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Strengthening of security and cooperation in the Mediterranean region

Strengthening of security and cooperation in the Mediterranean region

Report of the Secretary-General

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I. Introduction

1. The General Assembly, in its resolution 71/85, requested the Secretary-General to submit a report at its seventy-second session on means to strengthen security and cooperation in the Mediterranean region. The present report is submitted in compliance with that request and on the basis of information received from Member States.

2. A note verbale dated 7 March 2017 was sent to all Member States, requesting their views on the subject, and was followed by a note verbale dated 12 June 2017. Replies from the Governments of Algeria, Greece and Qatar have been received and are reproduced in section II below. Additional replies received after 31 July 2017 will be posted on the website of the Office for Disarmament Affairs[1] in the original language received.

II. Replies received from Governments

Algeria

[Original: French]
[9 June 2017]

The problem of security and cooperation in the Mediterranean region must be seen in a global context, one that takes account of the human, political, security and economic interests and concerns of the countries on both shores of the Mediterranean, by promoting initiatives designed to make the region a zone of lasting peace, stability and prosperity.

Algeria has an active Mediterranean policy, based on the principles of friendship and cooperation, good neighbourliness and mutual respect. It calls for the promotion and implementation of these principles.

For Algeria, Mediterranean security and development are closely linked to peace, security and development in Africa. It stresses the importance of integrating the Mediterranean dimension in the consideration of the future of the security system in Europe, with a view to safeguarding the interests of all concerned. It is on this basis that Algeria takes an active role in several initiatives and forums for dialogue established in the region:

(a) The Algerian initiative to combat terrorism in the Sahel is designed to confront the current worrisome situation, whose effects on security and stability in Africa are considerable. It is designed to strengthen the strategic, operational and military framework, launch socioeconomic development programmes, and build the administrative, technical and operational capacities of the security personnel of several African countries;

(b) The Western Mediterranean Forum (5+5 Dialogue) has fostered the adoption of cooperation measures in several areas, the consolidation of collective peace and security in the Mediterranean, and engagement with the issues affecting peace and security in the region;

(c) The North Africa and Sahel Regional Secretariat of the European Union Chemical, Biological, Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative aims to promote cooperation among the countries of the region, on the one hand, and of the European Union, on the other, to reduce the risks arising from the illicit use of sensitive materials;

[1] www.un.org/disarmament.

(d) The African Centre for Studies and Research on Terrorism makes important contributions with regard to combating terrorism and related topics. It is an outgrowth of the desire of African States to coordinate their efforts to implement concrete, urgent and collective counter-terrorism measures with those of the international community;

(e) The African Police Cooperation Organization (AFRIPOL) is a tool of regional coordination whose purpose is to strengthen peace and security in Africa through building the capacities of the police forces of African countries in the areas of scientific policing, criminal threat assessment, combating cybercrime and combating the illicit traffic in arms and drugs, as well as consolidating the police forces deployed in connection with peacekeeping operations.

Greece

[Original: English]
[22 May 2017]

A. Regional cooperation

Greece undertook targeted initiatives, launching the Rhodes Conference for Security and Stability, in September 2016 (the second such conference is scheduled for 22 and 23 May 2017), the Athens Conference on Religious and Cultural Pluralism and Peaceful Coexistence in the Middle East, in October 2015 (the second such conference will be held in November 2017) and the Ancient Civilizations Forum, in April 2017. Greece also established trilateral schemes of cooperation among countries of the Mediterranean region, notably Cyprus, Egypt, Israel, Jordan, Lebanon and Palestine. All the above emanate from our firm belief in proposing a positive and manifold agenda of cooperation, focusing on developing synergies and joint activities in the fields of culture, trade, education and research.

The "spirit of Rhodes" substantiates an adequate response to multiple challenges that faces the Mediterranean region, thus enhancing regional security and development. Besides, Greece convened the Athens Conference on Religious and Cultural Pluralism and Peaceful Coexistence in the Middle East, recognizing the urgency of communicating the message of cooperation and peace and to work on concrete alternative actions aimed at fighting radicalization that leads to violence. This conference dealt with the urgent humanitarian crisis currently faced by religious communities and cultural entities in the region, and a Centre for Religious Pluralism in the Middle East was subsequently established.

B. Security in the Euro-mediterranean region

The Union for the Mediterranean is a fundamental platform in the Mediterranean neighbourhood. Considering the many political, security and economic challenges faced by the region, the road map, as adopted by Union members in January 2017, signals their commitment to enhance cooperation in order to find common responses to those challenges. The road map (which includes enhancing political dialogue; ensuring the contribution of Union activities to regional stability and human development; strengthening regional integration; and consolidating Union capacity for action) is the testimony of Union members' will to support the work of this platform and invest in the region's growth, stability and security. "Soft" security issues — youth, education, women's empowerment, tourism, and intercultural and interfaith dialogue — have been taken on board by the Union. Reinforcing human capital, a key for stability and security in the region, through ensuring opportunities for all has also become one of its top priorities.

C. Non-proliferation and disarmament

Greece firmly believes that becoming party to all the multilaterally negotiated legal instruments on disarmament and non-proliferation by all States in the region of the Middle East would be a significant confidence- and security-building measure. Greece supports the resolution on the Middle East adopted by the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the conclusions and recommendations of the Final Document of the 2010 Review Conference. Through dialogue, stakeholders can reach a common understanding on convening a conference (on a zone free from weapons of mass destruction in the Middle East), attended by all States of the Middle East on the basis of arrangements freely arrived at by them, as decided by the 2010 Review Conference.

Qatar

[Original: Arabic]
[2 May 2017]

The State of Qatar affirms the following:

All causes of tension in the region should be eliminated and just and lasting solutions to the persistent problems of the region should be promoted through peaceful means, thus ensuring the withdrawal of foreign forces of occupation and respect for the sovereignty and independence of all countries of the Mediterranean region, as well as regional security and the right of all peoples to self-determination. The principles of non-intervention, non-use or threat of use of force and the inadmissibility of the acquisition of territory by force should be fully adhered to in accordance with the Charter and the relevant resolutions of the United Nations. Above all, the question of Palestine is urgent and pressing, and requires a just resolution.

The countries of the Mediterranean region should take coordinated overall measures, based on a spirit of multilateral partnership, towards the general objective of turning the Mediterranean region into an area of dialogue, exchanges and cooperation, which would guarantee peace, stability and prosperity. Such measures should include, inter alia, a lasting multilateral and action-oriented cooperative dialogue among States of the region.

Economic and social disparities in levels of development should be eliminated, and respect and greater understanding among cultures in the area should be promoted.

All States of the Mediterranean region that have not yet done so must accede to all the legal instruments related to disarmament and non-proliferation, thus creating the conditions necessary for strengthening peace and cooperation in the region.

The international community should encourage the States of the Mediterranean region to strengthen further their cooperation in combating terrorism in all its forms and manifestations, including the possible resort by terrorists to weapons of mass destruction, taking into account the relevant resolutions of the United Nations, and in combating international crime, illicit arms transfers and illicit drug production, consumption and trafficking.

The international community should encourage all States of the region to create the conditions necessary for strengthening confidence-building measures by promoting genuine openness and transparency on all matters related to the security of the region, which is closely connected with global security.

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Seventy-second session
Items 100 (b), (k) and (o) of the provisional agenda*
General and complete disarmament

Nuclear disarmament; follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons; reducing nuclear danger

Report of the Secretary-General

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I. Introduction

1. The present report is submitted pursuant to requests contained in General Assembly resolutions 71/58, 71/63 and 71/37.

2. In paragraph 3 of resolution 71/58, the General Assembly requested all States to inform the Secretary-General of the efforts and measures they had taken with respect to the implementation of the resolution and nuclear disarmament and requested the Secretary-General to apprise the General Assembly of that information at its seventy-second session.

3. In paragraph 22 of resolution 71/63, the General Assembly requested the Secretary-General to submit to the General Assembly at its seventy-second session a report on the implementation of the resolution.

4. In paragraph 5 of resolution 71/37, the General Assembly requested the Secretary-General to intensify efforts and support initiatives that would contribute to the full implementation of the seven recommendations identified in the report of the Advisory Board on Disarmament Matters that would significantly reduce the risk of nuclear war (A/56/400, para. 3), and also to continue to encourage Member States to consider the convening of an international conference, as proposed in the United Nations Millennium Declaration (resolution 55/2), to identify ways of eliminating nuclear dangers, and to report thereon to the General Assembly at its seventy-second session.

5. By notes verbales dated 17 February and 12 June 2017, Member States were invited to communicate their views on the issue. Replies received from Member States are included in section III below; replies received after 31 July 2017 will be posted on the website of the Office for Disarmament Affairs,[1] in the language of submission only.

II. Observations

6. Since the previous report (A/71/126), States have undertaken various efforts to facilitate the implementation of nuclear disarmament and non-proliferation agreements.

(a) An informal meeting of the General Assembly to mark the observance of the International Day against Nuclear Tests was held on 31 August 2016 at United Nations Headquarters. Opening statements were made by the President of the seventieth session of the General Assembly, Mogens Lykketoft (Denmark), as well as by the High Representative for Disarmament Affairs, on behalf of the Secretary-General, as well as the Permanent Representative of Kazakhstan to the United Nations. Following the opening ceremony, a high-level interactive panel on the theme "Strengthening the global norm against nuclear tests" reflected on progress made to end nuclear testing, current and emerging challenges, and opportunities to strengthen the global norm against testing;

(b) Pursuant to the declaration by the General Assembly of 26 September as the International Day for the Total Elimination of Nuclear Weapons (resolution 68/32), the meeting to commemorate that day was held on 26 September 2016. It was chaired by the President of the seventieth session of the General Assembly, Peter Thomson (Fiji). The Secretary-General marked the occasion with a message in which he urged the international community to work for the total elimination of nuclear weapons with urgency and a sense of collective purpose. As was the case in

[1] http://www.un.org/disarmament/.

2015, civil society also made an important contribution to the commemoration and promotion of the International Day. Statements were delivered by representatives of the International Campaign to Abolish Nuclear Weapons and Ban All Nukes generation;

(c) The 2017 session of the Disarmament Commission, the third session of its three-year cycle, was held from 3 to 21 April 2017 in New York, chaired by Gabriela Martinic (Argentina). At the session, procedural reports of the Commission and its subsidiary bodies were adopted. The report of the Commission for 2017 (A/72/42) reflects that during its 12 meetings, Working Group I on agenda item 4, "Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons", held extensive discussions. The Chair, Wilmer Mendez (Bolivarian Republic of Venezuela), introduced multiple non-papers addressing objectives, principles and recommendations for achieving the objective of nuclear disarmament and the non-proliferation of nuclear weapons, on which views were exchanged and various proposals made. However, because of divergent viewpoints among them, Member States were unable to reach consensus on substantive recommendations on this agenda item;

(d) Despite the ongoing stalemate in the Conference on Disarmament and its inability to adopt a programme of work, States continued to make efforts to return the Conference to work. At the initiative of the first President of the 2017 session, Adrian Vierita (Romania), the Conference established a working group on the "way ahead" to identify common ground for a programme of work with a negotiating mandate (CD/2090). The working group is mandated to take stock of progress on all agenda items of the Conference. Taking into account the efforts and priorities of the international community, the working group will identify issues for substantive work, find common ground for a programme of work with a negotiating mandate and consider steps for the way ahead. The working group held focused meetings on all agenda items of the Conference, including the four core issue agenda items: nuclear disarmament, a fissile material treaty, prevention of an arms race in outer space and negative security assurances. The Chair, Htin Lynn (Myanmar), will submit the final report of the working group to the President as early as possible for consideration and adoption by the Conference;

(e) The two nuclear-weapon States with the largest arsenals took steps to implement the reductions agreed to in the New Strategic Arms Reduction Treaty. The Treaty's central limits on strategic arms are to be met by 6 February 2018. As at 1 March 2017, according to the data provided by the parties on their aggregate holdings of strategic offensive arms, the Russian Federation possessed 523 deployed intercontinental ballistic missiles, submarine-launched ballistic missiles and heavy bombers and 1,765 warheads on those systems, and the United States of America possessed 673 deployed intercontinental ballistic missiles, submarine-launched ballistic missiles and heavy bombers and 1,411 warheads on those systems.

7. In addition to the efforts discussed above, other multilateral initiatives have been pursued that could contribute to the achievement of a world without nuclear weapons:

(a) On 13 and 14 June 2016, more than 120 delegations met in Vienna to discuss, review and reinvigorate discussions on the entry into force of the Comprehensive Nuclear-Test-Ban Treaty. Marking the twentieth anniversary year of the Treaty, ministers and other high-level participants renewed their commitment to a legally binding global ban on nuclear testing. To coincide with the ministerial meeting, a commemorative publication was launched, providing a historical overview of the history of the Treaty, the Comprehensive Nuclear-Test-Ban Treaty Organization and nuclear testing and non-proliferation in general;

(b) On 21 September 2016, foreign ministers and other high-level representatives adopted a joint ministerial statement at the eighth joint ministerial meeting on the Comprehensive Nuclear-Test-Ban Treaty, held in New York. The ministers reaffirmed that role of the Treaty as a core element of the international nuclear disarmament and non-proliferation regime and its entry into force as a major contribution to international peace and security, and urged all States that had not done so to sign and ratify the Treaty, in particular the remaining eight annex 2 States;

(c) Pursuant to General Assembly resolution 65/66, the second and third substantive sessions of an open-ended working group to consider the objectives and agenda, including the possible establishment of a preparatory committee, for a fourth special session of the General Assembly devoted to disarmament was convened from 11 to 15 July 2016 and from 5 to 9 June 2017, under the chairmanship of Fernando Luque Márquez (Ecuador). Delegations discussed a range of substantive issues related to the possible objectives and agenda of a fourth special session, resulting in the introduction by the Chair of a working paper entitled "Objectives and agenda of the fourth special session of the General Assembly devoted to disarmament". At the 28th meeting, on 9 June, the Rapporteur, Ali Robatjazi (Islamic Republic of Iran), introduced the draft report of the Working Group (A/AC.268/2017/CRP.3), which contained eight recommendations and a draft agenda but deferred the issue of the establishment of a preparatory committee to the General Assembly. The working group adopted, by consensus, the report and the recommendations contained therein regarding the objectives and agenda of the fourth special session of the General Assembly devoted to disarmament, which will be submitted to the General Assembly at its seventy-second session;

(d) The first session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons was held from 2 to 12 May 2017 in Vienna; Henk Cor van der Kwast (Netherlands) was elected to chair the meeting. States maintained a reserved tone during discussions, allowing the session to be held in a relatively positive atmosphere. The session was ultimately unable to agree to attach the Chair's factual summary to its report. Following past practice, the Chair announced that he would submit his summary as a working paper under his own responsibility. On key disarmament matters, States parties underlined the continued validity of the 64-point action plan agreed to at the 2010 Review Conference, despite disagreement over the pace of implementation of disarmament-related commitments. With respect to other regional issues, many delegations condemned the nuclear programme of the Democratic People's Republic of Korea, while the Joint Comprehensive Plan of Action between the Islamic Republic of Iran and E3/EU+3 (China, France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America) was broadly welcomed, and several delegations stressed the importance of its full implementation by all parties;[2]

(e) On 7 July 2017, the United Nations conference established pursuant to General Assembly resolution 71/258 adopted by vote the Treaty on the Prohibition of Nuclear Weapons, with 122 States in favour, 1 against (Netherlands) and 1 abstention (Singapore). The Treaty includes undertakings for States parties not to develop, test, produce, acquire, posses, stockpile, use or threaten to use nuclear weapons. The Treaty also prohibits the deployment of nuclear weapons on national territory and the provision of assistance to any State in the conduct of prohibited activities. States parties to the Treaty will be obliged to prevent and suppress any activity prohibited to States parties undertaken by persons or on territory under their jurisdiction or control. They will also be obliged to provide adequate assistance to

[2] www.un.org/disarmament/wmd/nuclear/npt2020/prepcom2017/.

individuals affected by the use or testing of nuclear weapons, as well as to take necessary and appropriate measures for environmental remediation in areas under their jurisdiction or control contaminated as a result of activities related to the testing or use of nuclear weapons. The Treaty requires States parties to maintain their existing safeguards obligations regarding their peaceful nuclear activities or to accept safeguards if they have not already done so. It requires the minimum safeguard standard for non-nuclear-weapon States as required under the Treaty on the Non-Proliferation of Nuclear Weapons, which permits the International Atomic Energy Agency sufficient access to be able to verify the diversion of declared nuclear materials. The Treaty will open for signature on 26 September 2017 in New York and will enter into force 90 days following the deposit of the fiftieth instrument of ratification;[3]

(f) In General Assembly resolution 71/259, the Secretary-General was requested to establish a high-level fissile material cut-off treaty expert preparatory group, to convene in 2017 and 2018, with a mandate to consider and make recommendations on substantial elements of a future non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of document CD/1299 and the mandate contained therein. The preparatory group will also examine, with a view to making recommendations, the report of the group of governmental experts established by the General Assembly in its resolution 67/53 (A/70/81), as well as the views submitted by Member States on the issue as contained in documents A/68/154 and Add.1 and A/71/144 and Rev.1 and Rev.1/Add.1. The first of two informal open-ended consultative meetings convened in New York by the Chair of the preparatory group was held in New York on 2 and 3 March 2017; the consultative meetings are intended to allow all Member States to engage in interactive discussions and share their views. At the time of preparation of the present report, the first session of the preparatory group was under way in Geneva; the second session will be held in Geneva in 2018.

8. Despite some progress in implementing nuclear disarmament and non-proliferation agreements and pursuing new initiatives to support those goals, setbacks and growing impatience with the slow pace of progress have persisted. In particular:

(a) Progress towards the implementation of the 1995 resolution on a zone free of nuclear and all other weapons of mass destruction in the Middle East has been challenging. The States of the region have actively sought new initiatives and proposals to renew progress towards the establishment of the zone, including the establishment in 2016 by the League of Arab States of a Committee of Wise Men on Disarmament and Non-Proliferation;

(b) The first session of the Preparatory Committee for the 2020 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons was the first opportunity since the 2015 Review Conference for States parties to consider how to move forward with the implementation of the above-mentioned resolution. Most States parties continued to support the concept of convening a conference on the establishment of a zone free of nuclear weapons and all other weapons of mass destruction in the Middle East; however, it is clear that despite many efforts States of the region have not come closer together on a mutually agreeable path leading towards the establishment of such a zone;

(c) The Conference on Disarmament has not made substantial progress owing to its ongoing protracted stalemate;

[3] For the text of the Treaty, see treaties.un.org/doc/Treaties/2017/07/20170707%2003-42%20PM/Ch_XXVI_9.pdf.

(d) While efforts towards reducing existing stockpiles are acknowledged, the estimated total number of nuclear weapons, deployed and non-deployed, still amounts to several thousand. Moreover, States continue to rely on nuclear weapons in defence and security policies and undertake programmes to modernize their weapons, delivery systems and related infrastructure;

(e) On 9 September 2016, the Democratic People's Republic of Korea conducted its fifth nuclear test despite the strong and unequivocal call from the international community to refrain from any further provocative measures and contrary to the relevant decisions of the Security Council. Since 8 July 2016, that country also conducted 26 ballistic missile tests contrary to the relevant decisions of the Security Council, including two tests with reported intercontinental range. These destabilising acts continue to pose a danger to regional and international peace and security.

9. The Secretary-General and the High Representative for Disarmament Affairs will continue their efforts to promote nuclear disarmament and non-proliferation.

III. Information received from Governments

Argentina

[Original: Spanish]
13 July 2017

Argentina will spare no effort to work constructively and promote the broadest possible consensus in order to achieve the ultimate goal of a world free of nuclear weapons. This is a priority goal of the country's foreign policy, based on its historic position in support of general and complete disarmament, in accordance with article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. Argentina will continue to participate in all discussions, forums or negotiations dealing with this objective, with a view to eliminating nuclear weapons throughout the world in an irrevocable, transparent and verifiable manner, in the conviction that the Treaty is the cornerstone of the international legal framework for non-proliferation and nuclear disarmament.

Argentina expresses its concern at the lack of concrete progress in recent years in nuclear disarmament. Argentina believes that the nuclear Powers must take the lead and fulfil their commitments under the Treaty, in particular its article VI. Argentina considers that the international community should work together to bring about fruitful dialogue and negotiations among the nuclear-weapon and non-nuclear-weapon States that are party to the Treaty. The Treaty's review cycle is a conducive setting for the promotion of joint work and an opportunity to overcome the divisions in the international community.

The Government of Argentina believes that the general and complete elimination of nuclear weapons is the best guarantee against the use or the threat of use of such weapons, thereby averting the irreparable humanitarian consequences that they entail.

It is important to note that work has already begun to achieve a world free of nuclear weapons through their prohibition and total elimination. That objective is contained in article VI of the Treaty, under which parties are bound to seek the goal of general and complete disarmament, as well as to explore the possibility of prohibiting such weapons in the future. In this regard, we should not undermine the past and present effectiveness and obligatory nature of article VI of the Treaty concerning the achievement of this goal.

On the other hand, the Argentine Republic believes that we must move forward in the elimination of nuclear weapons in an effectively verifiable manner, reaffirming the Treaty regime, without jeopardizing the gains already made in non-proliferation.

As regards verification, Argentina welcomes General Assembly resolution 71/67 and the establishment of a group of governmental experts to consider the role of nuclear disarmament verification within the framework of the Organization, because these issues should be addressed first and foremost within the United Nations machinery so that the appropriate bodies can contribute to nuclear disarmament negotiations.

In May 2016, Argentina joined the International Partnership for Nuclear Disarmament Verification, which is a body specifically dedicated to progress in nuclear disarmament. The progress made through this informal mechanism can contribute to future work undertaken within the framework of the United Nations and we hope that the aforementioned group of governmental experts will be able to take into account the documents and conclusions emanating from the Partnership.

Argentina also participated constructively in the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination. At the meeting at which the text was adopted, the representative of Argentina spoke in explanation of its vote.

Brunei Darussalam

[Original: English]
29 June 2017

As a proponent of regional and global non-proliferation and the disarmament of weapons classified as weapons of mass destruction, Brunei Darussalam remains firmly committed to relevant commitments. This includes abiding by, and encouraging consensus during the drafting of, resolutions and agreements on nuclear disarmament.

On the overarching opinion of the International Court of Justice on the legality of nuclear weapons, be it threat or actual use, Brunei Darussalam seeks to pursue a constructive role in promoting transparency, information-sharing and trust-building among States and maintains diplomatic and friendly relations with other States in order to promote an overall vision of regional and international peace, security and stability.

Colombia

[Original: Spanish]
28 April 2017

Colombia shares the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In this regard, it participates in the major multilateral forums where this topic is addressed, namely the Conference on Disarmament, the Disarmament Commission and the conference to negotiate an instrument to prohibit nuclear weapons, leading towards their total elimination.

Colombia has called upon the nuclear-weapon States to make progress towards the commitment of nuclear disarmament, reiterating the importance of the proper implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.

As a State party to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, which established the first densely populated nuclear-weapon-free zone, Colombia has advocated the creation of nuclear-weapon-free zones, under agreements freely reached, as a contribution to international disarmament.

As an annex 2 State, Colombia has called not only on other States listed in the annex, but on all States, to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty, to achieve its early entry into force and its universalization.

Cuba

[Original: Spanish]
30 May 2017

The use or threat of use of nuclear weapons is a violation of the Charter of the United Nations, a violation of international law, including international humanitarian law, a crime against humanity and a war crime. Prohibition and total elimination is the only absolute guarantee against the use or threat of use of nuclear weapons, because as long as they exist, there is a danger that they might be used.

We oppose the enhancement of existing nuclear weapons and the development of new types of nuclear weapons, which is inconsistent with the obligation to adopt effective measures towards nuclear disarmament. Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons, nuclear-weapon States have a legal obligation not only to pursue, but also to bring to a conclusion, negotiations leading to nuclear disarmament under a strict and effective international verification system.

July 2017 will mark 21 years since the International Court of Justice declared the use of nuclear weapons illegal in its advisory opinion on the legality of the use or threat of use of nuclear weapons. However, very little progress has been made towards the total elimination of nuclear weapons and nuclear deterrence remains an essential part of the military defence and security doctrines of some States. Of even greater concern is the fact that the use of nuclear weapons against States that do not possess them, in response to attacks using non-nuclear weapons, has even been considered.

Cuba reiterates the importance of the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In this regard, we support the negotiations on a treaty banning nuclear weapons convened by the General Assembly. The adoption of such a treaty would establish an international norm prohibiting the use of nuclear weapons, without exception or admission of mitigating circumstances.

The adoption of a treaty on prohibition would be a step forward, but insufficient. The process must lead to the adoption of a comprehensive convention that establishes the elimination of nuclear weapons within a specific time frame and under strict international verification. That would be the only way to ensure full, effective, irreversible, transparent and non-discriminatory nuclear disarmament.

Ecuador

[Original: Spanish]
31 July 2017

The foreign policy of Ecuador relating to nuclear weapons has always been guided by its Constitution, which condemns the development and use of weapons of mass destruction, including nuclear weapons, as a threat to the survival of humankind.

In line with these principles, Ecuador has ratified all the international instruments related to nuclear weapons, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Comprehensive Nuclear-Test-Ban Treaty and the additional protocols on safeguards and cooperation with the International Atomic Energy Agency. It also participated actively in the negotiation and adoption, on 7 July 2017, of the Treaty on the Prohibition of Nuclear Weapons.

Article 1 of the Treaty on the Prohibition of Nuclear Weapons expressly prohibits the use or threat of use of nuclear weapons. Thus it is manifestly clear, as the International Court of Justice stated, that if the use of a weapon is illegal, which is clearly the case of nuclear weapons because their catastrophic consequences are contrary to the principles of international humanitarian law and international human rights law, the threat of their use is also illegal. Consequently, all States should remove from their military doctrines any reference to nuclear deterrence and should refrain from engaging in military preparations that entail the possibility, and therefore the threat, of the use of nuclear weapons, whether their own or in the context of broad partnerships.

The Community of Latin American and Caribbean States, of which Ecuador is a proud member, has reiterated at its summits of Heads of State and Government, most recently in January 2017 in Punta Cana, Dominican Republic, that the use and threat of use of nuclear weapons constitutes a crime against humanity and a violation of international law, including international humanitarian law, as well as the Charter of the United Nations (special declaration on nuclear disarmament, para. 2).

Following the ban on nuclear weapons, through a legally binding international instrument, the only effective guarantee against their use or threat of use is their total elimination, in a transparent, verifiable and irreversible manner, within a defined time frame.

Honduras

[Original: Spanish]
24 May 2017

Honduras is a signatory to the international conventions and treaties against the proliferation of nuclear weapons or tests. It does not participate, nor has it participated, in activities to promote or test nuclear weapons, and consequently it has taken no measures in relation to General Assembly resolution 71/58.

Article 15 of the Constitution of the Republic establishes that Honduras endorses the principles and practices of international law that promote human solidarity, respect for the self-determination of peoples, non-intervention and the consolidation of universal peace and democracy. Honduras proclaims as absolute the validity and mandatory enforcement of international arbitral and judicial rulings.

Article 16 of the Constitution states that all international treaties must be approved by the National Congress before ratification by the executive branch. International treaties concluded between Honduras and other States form part of domestic law once they have entered into force.

In the light of the above, as a State party to the international treaties and conventions ratified by those States, Honduras must faithfully comply with them. Honduras does not participate, nor has it participated, in activities to promote or test nuclear weapons related to the aforementioned resolution, because it does not have such weapons.

India

[Original: English]
11 May 2017

India joined as co-sponsor of General Assembly resolution 71/58.

India's consistent support and co-sponsorship of the International Court of Justice resolution at the General Assembly is an expression of its commitment, as underlined by the 1996 Advisory Opinion of the Court, to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. India's support for the existence of an obligation to pursue in good faith and to conclude nuclear disarmament negotiations is not based on the provisions of any particular legal instrument but is a logical extension of India's consistent political support for nuclear disarmament.

India is convinced that the goal of nuclear disarmament can be achieved by a step-by-step process underwritten by a universal commitment and an agreed multilateral framework that is global and non-discriminatory. There is need for a meaningful dialogue among all States possessing nuclear weapons to build trust and confidence and for reducing the salience of nuclear weapons in international affairs and security doctrines.

The working paper by India on nuclear disarmament (CD/1816) enumerated specific steps, including reaffirmation of the unequivocal commitment of all nuclear-weapon States to the goal of complete elimination of nuclear weapons; reduction of the salience of nuclear weapons in the security doctrines; measures by nuclear-weapon States to reduce nuclear danger; negotiation of a global agreement among nuclear weapon States on "no-first-use" of nuclear-weapons; negotiation of a universal and legally binding agreement on non-use of nuclear weapons against non-nuclear-weapon States; negotiation of a convention on the complete prohibition of the use or threat of use of nuclear weapons; and negotiation of a nuclear weapons convention prohibiting the development, production, stockpiling and use of nuclear weapons and providing for their destruction, leading to the global, non-discriminatory and verifiable elimination of nuclear weapons within a specified time frame.

India considers the Conference on Disarmament as the appropriate forum for the commencement of negotiations on nuclear disarmament through the establishment of a subsidiary body with a mandate agreed by consensus as part of a comprehensive and balanced programme of work. India has consistently supported the negotiation in the Conference on Disarmament of a comprehensive nuclear weapons convention to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and has also separately reiterated its readiness to negotiate a convention on the prohibition of the use of nuclear weapons.

Islamic Republic of Iran

[Original: English]
31 July 2017

The death and destruction caused by the horrible nuclear attacks on Hiroshima and Nagasaki in 1945 proved that nuclear weapons, as the most horrendous weapons, are unique in their destructive power, in the unspeakable human suffering they cause, in the impossibility of controlling their effects in time and space, and in the threat they pose to the environment, to future generations and indeed to the survival of humanity; thus, the only absolute guarantee against the use or threat of

use of nuclear weapons is their total elimination and assuring that they will never be produced again.

Since then, nuclear disarmament has always been the highest global priority. The recent intensified international efforts, represented, in part, in the first ever high-level meeting of the General Assembly on nuclear disarmament, held on 26 September 2013, and the three conferences on the humanitarian impact of nuclear weapons, held in 2013 and 2014, suggest that this 70-year-old global demand continues to be pursued with determination and strong resolve.

In this context, Iran underlines the importance of the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination (New York, 27-31 March and 15 June-7 July 2017), which resulted in the adoption of the Treaty on the Prohibition of Nuclear Weapons. Iran stresses the need to preserve the momentum on nuclear disarmament created by such events, and in this connection highlights the significance of the United Nations high-level international conference on nuclear disarmament to be convened in 2018 to review the progress made in this regard.

Likewise, since the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons in 1970, nuclear disarmament is also a 45-year-old explicit legal obligation, for the realization of which certain decisions have been made and agreements reached within the context of the Review Conferences of the Parties to the Treaty. The adoption of the 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty by the 2000 Review Conference and the adoption of a 22-point action plan on nuclear disarmament by the 2010 Review Conference are among such decisions.

Even though the incomplete, selective and discriminatory implementation of the provisions of this Treaty is considered a challenge that needs to be effectively addressed, its main implementation challenge is the lack of real progress in the fulfilment, by all the nuclear-weapon States, of nuclear disarmament obligations under article VI of the Treaty. At the same time, failure of the Treaty in gaining the universal characteristic also remains a serious challenge to its effectiveness that needs to be addressed.

Pending the total elimination of nuclear weapons, there is also a dire need to provide all non-nuclear-weapon States with effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances, especially taking into account the fact that the current frameworks to provide such assurances are very limited, conditional, insufficient, and above all can justify the use of such weapons by resorting to such concepts as "defending the vital interests" of a nuclear-weapon State or its "allies and partners".

There is no doubt that the advisory opinion of 8 July 1996 of the International Court of Justice on the legality of the threat or use of nuclear weapons is of the outmost importance in highlighting the legal obligation of nuclear-weapon States regarding nuclear disarmament under article VI of the Treaty. The negotiating history and the text and context of the Treaty, as well as the content of the outcome documents of its Review Conferences, as subsequent practice, confirm that the most important incentive of the States negotiating the Treaty was to achieve the objective of a nuclear-weapon-free world. They also confirm that the fulfilment of this obligation is neither conditional nor optional. The text of the Treaty is clear in this regard when the parties thereto declare, in its preamble, "their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament" and urge "the cooperation of all States in the attainment of this objective". Moreover, through its

article VI, each of the Parties to the Treaty undertakes "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament".

Indeed, the non-nuclear-weapon States parties to the Treaty have ratified it based on this essential assumption that the implementation of the Treaty would and should lead to a nuclear-weapon-free world. They definitely did not intend to become party to a Treaty that divides States into the nuclear-weapon-haves and the nuclear-weapon-have-nots and legitimizes the indefinite possession of such inhumane weapons by certain powers. The Islamic Republic of Iran strongly believes that the purpose of the Treaty is not only to prevent the non-nuclear-weapon States from acquiring nuclear weapons, it also concerns an inherently linked objective to this goal, which is to disarm nuclear-weapon States. The Treaty is about the elimination of all nuclear weapons, which is the only absolute guarantee against their scourge. The main purpose of the Treaty is that no one should have nuclear weapons. Accordingly, Iran continues to strongly reject any assumption that the indefinite extension of the Treaty implies the indefinite possession by the nuclear-weapon States of their nuclear arsenals or they are legitimately held weapons. Any such assumption is incompatible with the object and purpose of the Treaty.

In the view of the Islamic Republic of Iran, the main challenge of nuclear disarmament is the lack of genuine political will by the nuclear-weapon States to fulfil their legal obligations under article VI of the Treaty and implement their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals. The persistence of this situation will definitely add to the already existing frustration of the non-nuclear-weapon States, gradually erode the validity and credibility of the Treaty, lessen its effectiveness and negatively impact international peace and security, which certainly is not in the common interest of present and future generations.

Accordingly, the Islamic Republic of Iran asserts that taking all necessary practical measures for the total elimination of all nuclear weapons worldwide, including to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control, as unanimously concluded by the International Court of Justice in its advisory opinion, is a legal obligation to which all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons are committed under its article VI.

While expressing deep disappointment over the lack of tangible progress so far in the implementation of the obligations under article VI of this Treaty and the unequivocal commitments under the 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty and the 2010 action plan on nuclear disarmament, Iran highlights the importance of the strong support, expressed at the first ever high-level meeting of the General Assembly on nuclear disarmament, held on 26 September 2013, "for taking urgent and effective measures to achieve the total elimination of nuclear weapons", and the call for "urgent compliance with the legal obligations and the fulfilment of the commitments undertaken on nuclear disarmament" (resolution 68/32, paras. 1 and 2).

Indeed, the lack of practical progress on the fulfilment of such obligations and unequivocal commitments cannot continue indefinitely, and therefore their implementation should be time-bound. To that end, recalling the conclusion of the Treaty on the Prohibition of Nuclear Weapons on 7 July 2017, Iran believes that all States should urgently commence negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling,

transfer, use or threat of use and to provide for their destruction, as called for by the General Assembly in its resolutions 68/32, 69/58, 70/34 and 71/71. In this context, Iran is of the view that the United Nations high-level international conference on nuclear disarmament to be convened in 2018 pursuant to General Assembly resolution 68/32, provides the international community of States with a valuable opportunity to review the progress made in nuclear disarmament. This conference can be utilized to advance the objective of a nuclear-weapon-free world, including by making concrete decisions such as identifying a deadline for the total elimination of nuclear weapons worldwide.

While expressing deep disappointment at the act of the two nuclear-weapon-State depositories of the Treaty on the Non-Proliferation of Nuclear Weapons, namely the United States and the United Kingdom, along with Canada, in blocking the adoption of a substantive outcome document for the 2015 Review Conference of the Parties to this Treaty, in particular at the fact that this act disregarded the views of almost all parties to the Treaty only to appease the Israeli regime that is the sole non-party to this Treaty in the Middle East, the Islamic Republic of Iran highlights the importance of the three-phased plan of action for the total elimination of nuclear weapons, which was put forward by the Group of Non-Aligned States Parties to the Treaty during its 2015 Review Conference and consists of concrete steps, in particular the negotiation and adoption of a comprehensive convention on nuclear weapons that includes a phased programme and a specified time frame for the complete elimination of nuclear weapons.

In its advisory opinion of 8 July 1996 on the legality of the threat or use of nuclear weapons, the International Court of Justice decided that "there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons" (para. 105(2)A) and that "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law" (para. 105(2)E). Therefore, any use or threat of use of any type of nuclear weapon, under any circumstances, would be contrary to Article 2 (4) of the Charter of the United Nations, the general principles of international law and the rules and regulations of international humanitarian law, and would constitute a crime against humanity. Iran asserts that even resorting to Article 51 of the Charter of the United Nations cannot, in any way and under any condition, justify the use or threat of use of these inhumane weapons.

Moreover, any use or threat of use of nuclear weapons would seriously undermine the very foundations, integrity, credibility and thus sustainability of the Treaty on the Non-Proliferation of Nuclear Weapons and would be contrary to its object and purpose. Accordingly, all the nuclear-weapon States should seriously refrain, under any and all circumstances and without any discrimination or exception, from the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the Treaty.

Jordan

[Original: Arabic]
28 April 2017

Jordan is a State free of nuclear weapons. It does not own such weapons or handle them directly or indirectly. It has no intention of possessing them or developing any programme related to them.

Jordan openly and transparently supports all international and regional efforts to prohibit nuclear weapons and create a nuclear-weapon-free world. In particular, the following points are worth noting:

(a) Jordan has acceded to the Treaty on the Non-Proliferation of Nuclear Weapons;

(b) It has acceded to the Comprehensive Nuclear-Test-Ban Treaty;

(c) Article 4, paragraph 7(b) of the Jordanian-Israeli Peace Treaty provides for the creation in the Middle East of a zone free of weapons of mass destruction;

(d) Jordan has worked in the context of the League of Arab States to prepare a draft treaty on creating a Middle East free of weapons of mass destruction, particularly nuclear weapons.

The use of weapons of mass destruction would unleash huge levels of heat and energy, not to mention powerful and long-lasting radiation levels, with tragic repercussions. It would also undermine confidence and endanger international security and stability.

Jordan believes that the threat or use of nuclear weapons would contravene the international humanitarian law of armed conflict and the obligation to refrain from causing unnecessary suffering.

Madagascar

[Original: French]
10 July 2017

The United Nations has reminded Member States that:

- A legally binding instrument should be developed on the prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control.
- To complete the process, negotiations leading to nuclear disarmament in all its aspects should be pursued under strict and effective international control.

Given that Madagascar has no nuclear material holdings or military nuclear programme, participation in the various international negotiations, under the auspices of the United Nations, is essential. Accordingly, the adoption of treaties has become inevitable.

Mexico

[Original: Spanish]
30 May 2017

The establishment of the United Nations coincided with the start of the nuclear age. As a result, this issue has been on the agenda of the Organization since its inception.

In this connection, Mexico has maintained a firm position aimed at achieving the total elimination of nuclear weapons in the world. Although Mexico does not possess nuclear weapons, it is aware of the devastating short- and long-term effects that a nuclear detonation could have on the population and the environment, not only at the regional but also at the global level. The total elimination of nuclear weapons has therefore been a key element of the country's position in multilateral contexts, in line with its foreign policy and the principles contained in the Charter of the United Nations.

Accordingly, and pursuant to the provisions of the 1996 advisory opinion of the International Court of Justice, which sets out the obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control, Mexico participates actively

and decisively in the various multilateral and regional forums that deal with the issue of nuclear disarmament.

At the seventy-first session of the General Assembly, Mexico, in its national capacity and with the support of other States, was the co-author or main sponsor of the following resolutions on disarmament issues adopted by the First Committee:

(a) Resolution 71/27: Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco);

(b) Resolution 71/46: Humanitarian consequences of nuclear weapons;

(c) Resolution 71/47: Humanitarian pledge for the prohibition and elimination of nuclear weapons;

(d) Resolution 71/50: The Arms Trade Treaty;

(e) Resolution 71/54: Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments;

(f) Resolution 71/55: Ethical imperatives for a nuclear-weapon-free world;

(g) Resolution 71/57: United Nations study on disarmament and non-proliferation education;

(h) Resolution 71/67: Nuclear disarmament verification;

(i) Resolution 71/74: United Nations Disarmament Information Programme;

(j) Resolution 71/86: Comprehensive Nuclear-Test-Ban Treaty;

(k) Resolution 71/258: Taking forward multilateral nuclear disarmament negotiations.

Of particular note is resolution 71/258, adopted by 113 votes to 35, with 13 abstentions, in which the Assembly implemented the recommendations of the Open-ended Working Group, which met in Geneva in 2016, and decided to convene a conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination.

The conference was held in New York, under the rules of procedure of the General Assembly, in two sessions. Mexico took part in the first session, which was held from 27 to 31 March 2017, with the conviction that the prohibition of nuclear weapons would be achieved after 21 years of deadlock within the United Nations disarmament machinery, during which time negotiations on the prohibition and elimination of nuclear weapons had not even begun.

For Mexico, the negotiation of a treaty on the prohibition of nuclear weapons is consistent with the obligation set out in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and would contribute to compliance with the Treaty.

Mexico believes that a legally binding instrument that prohibits nuclear weapons will not replace the Treaty on the Non-Proliferation of Nuclear Weapons, nor will the timely implementation of both instruments prejudice the regime of the other treaty. Both instruments will complement each other, thereby strengthening the nuclear non-proliferation and disarmament regime.

Mexico is pursuing three clear objectives in the negotiation of the legally binding instrument:

(a) The negotiation process should be expeditious and straightforward. Mexico will give priority to any initiative that is conducive to achieving this

objective and will avoid introducing or generating distractions from the process, which complements the nuclear non-proliferation and disarmament regime;

(b) The text of the treaty should be concise and clear, with a focus on one central aim: banning the use, acquisition, stockpiling, development, transfer, storage and deployment of atomic weapons and prohibiting States parties from participating in and assisting, or inciting participation in, any activities prohibited under the treaty;

(c) The treaty should be inclusive and open to all States. The treaty should be open to both States parties and not parties to the Treaty on the Non-Proliferation of Nuclear Weapons, nuclear-weapon States and nuclear-umbrella States.

Mexico will continue to participate in the same spirit in the second session of the conference, which will be held from 15 June to 7 July 2017, in New York.

In addition, together with Austria, the Holy See, Ireland and South Africa, Mexico has since 2012 promoted the approach known as the humanitarian initiative, which emerged as an alternative to the frustration of the non-nuclear-weapon States and of civil society at the lack of progress towards nuclear disarmament.

The humanitarian initiative prompted the convening of three Conferences on the Humanitarian Impact of Nuclear Weapons (held in Oslo in 2013 and in Nayarit, Mexico, and Vienna in 2014), at which the catastrophic consequences of accidental or intentional nuclear detonations, as well as the risks associated with the mere existence of nuclear weapons, for the environment, ecosystems, climate stability, development, global health and food security, were examined scientifically.

At the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, it was agreed that steps would be taken to fill the legal gap for the stigmatization and prohibition of nuclear weapons (Austrian Pledge) with a view to their elimination, given the harm that would result from a nuclear detonation, and the international community was invited to endorse the Pledge. In this connection, at the initiative of Mexico, in January 2015 the Community of Latin American and Caribbean States became the first regional body to endorse the Austrian Pledge, which has now been endorsed by 127 countries and renamed the Humanitarian Pledge.

Paraguay

[Original: Spanish]
31 July 2017

Paraguay condemns the existence of weapons of mass destruction, including nuclear weapons, and efforts to develop and enhance them, as contrary to the core objectives of achieving peace, security, sustainable development and harmony among States. In this connection, Paraguay has reiterated its support for the adoption of a resolution on the issue.

In Paraguay, weapons of mass destruction, including nuclear weapons, are prohibited under the Constitution. Like other peace-loving nations that uphold the principles of international law, international humanitarian law and human rights, Paraguay therefore welcomes the recent adoption of the Treaty on the Prohibition of Nuclear Weapons and reaffirms its commitment to the nuclear disarmament and non-proliferation regime, which is the foundation of its foreign policy. By banning nuclear weapons, the Treaty constitutes an important step towards a world free of such weapons.

In line with the declaration issued on the fiftieth anniversary of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), Paraguay, in its capacity as a State party to the Treaty, supports the

reaffirmation that the use or threat of use of nuclear weapons is a violation of the Charter of the United Nations, a violation of international law, including international humanitarian law, and a crime against humanity. Consequently, Paraguay believes that the only truly effective guarantee against the use or threat of use of nuclear weapons is their total elimination.

It should be noted that Additional Protocol II to the Treaty of Tlatelolco includes a legally binding commitment pursuant to which nuclear-weapon States cannot use or threaten to use their nuclear weapons against any of the States parties to the Treaty. This was the first such legal commitment entered into by nuclear-weapon States.

The Conferences on the Humanitarian Impact of Nuclear Weapons (held in Oslo in 2013 and in Nayarit, Mexico, and Vienna in 2014) confirmed that nuclear weapons constitute a threat to humankind, by their mere existence and by their possible use or threat of use, as well as by the potential damage that an accidental or intentional detonation could cause to global health, food security and climate, among other fields, and by the lack of capacity of the international community to face a humanitarian catastrophe of such a magnitude.

Qatar

[Original: Arabic]
11 April 2017

Qatar believes that the threat or use of nuclear weapons is contrary to current international law on armed conflicts and, in particular, to the principles and rules of international humanitarian law.

Qatar is firmly convinced that only the total elimination of nuclear weapons can provide a guarantee against their use. It therefore stresses the importance of the opinion of the International Court of Justice, which unanimously found that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects, under strict and effective international control.

Qatar believes that it is important to accelerate implementation of the 13 practical steps contained in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and of the 22 action items contained in the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. It is therefore important to establish a committee with a mandate to deal with nuclear disarmament in order to identify the measures required to eliminate nuclear weapons completely.

Qatar is a non-nuclear-weapon State that neither possesses such weapons nor has the means to deliver them. It does not harbour any ambitions or intentions to possess or develop such weapons. It does not provide any scientific, technical or material assistance to any party endeavouring to acquire or develop such weapons. Qatar also does not allow any nuclear-weapon-related activities to take place in its territory.

Owing to its firm conviction that nuclear energy should be used for peaceful purposes and not employed for military purposes, Qatar acceded to the Treaty on the Non-Proliferation of Nuclear Weapons on 3 April 1989, and signed a safeguards agreement with the International Atomic Energy Agency on 19 January 2009. It signed the Comprehensive Nuclear-Test-Ban Treaty on 24 September 1996 and then ratified it on 3 March 1997. Qatar has applied to become a member of the Conference on Disarmament, of which it is currently an observer member.

Qatar took part in the first conference on the humanitarian consequences that would result from a nuclear weapon detonation, held in Oslo in 2013, the second such conference, held in Mexico in February 2014, and the third such conference, held in Vienna in December 2014. It did so because it believes that humanity must become aware of the dangers posed by nuclear weapons. That realization must have a tangible effect on the work that is needed in order to spare humankind from the scourge of nuclear weapons, with the ultimate goal of achieving a world free of such weapons.

Qatar has established the National Committee for the Prohibition of Weapons of Mass Destruction and the Doha Regional Centre for Training on Conventions of Weapons of Mass Destruction. The Centre provides training and awareness-raising services at the national, regional and international levels.

The National Committee for the Prohibition of Weapons of Mass Destruction holds annual awareness-raising workshops and an annual research competition for secondary-school and university students concerning the conventions on weapons of mass destruction and the threat posed by such weapons. It also organizes a competition in which students design a poster to raise awareness of the threat posed by weapons of mass destruction.

Saudi Arabia

[Original: English]
22 May 2017

The Kingdom of Saudi Arabia was one of the first countries to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and to refrain from producing nuclear weapons or other nuclear explosive devices, or obtaining nuclear weapons, or permitting any third party to develop them in its territory, and the Kingdom ratified the treaty in October 1988. In reinforcement of its ratification, in 2006 the Kingdom signed a nuclear safeguards agreement in the form of a small quantities protocol to the Treaty, which had a positive impact on the Kingdom's national project on the peaceful uses of atomic energy.

The Kingdom participated actively in the 1995 Review Conference of the Treaty and in subsequent review conferences and their preparatory meetings through 2015. Moreover, the Kingdom has adopted a positive position towards efforts to reach a comprehensive agreement to prevent nuclear testing.

The Kingdom of Saudi Arabia sent delegations of both the Ministry of Interior and the Ministry of Foreign Affairs to all summit conferences related to nuclear security held between 2010 and 2016, which were attended by the seven largest manufacturing countries and most of the leaders of the world, in addition to representatives of international organizations, such as the United Nations, the International Atomic Energy Agency, the International Criminal Police Organization and the European Union. The active participation of the Kingdom of Saudi Arabia reflects its commitment to the objectives of these summits, above all nuclear disarmament, preventing access of terrorists to nuclear weapons and the peaceful use of nuclear energy.

The Kingdom of Saudi Arabia was one of the first countries to support the international resolutions pertaining to nuclear security. It has ratified many relevant treaties, most notably the Convention on Physical Protection of Nuclear Material, provided support for the Global Initiative to Combat Nuclear Terrorism and is a party to the International Convention for the Suppression of Acts of Nuclear Terrorism, and donated $100 million to the establishment of the United Nations

Centre for Counter-Terrorism within the Counter-Terrorism Implementation Task Force Office of the United Nations Secretariat.

Moreover, the Kingdom of Saudi Arabia was one of the first countries to call for making the Middle East region free from all weapons of mass destruction, in particular nuclear weapons. It contributed US $100,000 to the costs of holding a conference in Helsinki in 2012, which was scheduled to discuss the implementation mechanism of the decision to make the Middle East region free of weapons of mass destruction, especially nuclear weapons. However, the conference failed owing to the intransigence of Israel and the support of some countries.

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Seventy-second session
Item 73 (c) of the provisional agenda*
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, submitted in accordance with Human Rights Council resolution 34/23.

* A/72/150.
** The present report was submitted after the deadline as a result of consultations with the Islamic Republic of Iran.

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Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Summary

During its thirty-third session, the Human Rights Council appointed Asma Jahangir as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. The present report outlines the activities carried out by the Special Rapporteur since the issuance of her first report to the Council (A/HRC/34/65), examines ongoing issues and presents some of the most recent and pressing developments in the area of human rights in the country.

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I. Introduction

1. Since she took up her mandate, the Special Rapporteur has observed several developments that could lead to positive changes in the human rights situation in the Islamic Republic of Iran. These include the adoption of the Charter on Citizens' Rights and the announcement that an implementation body of the Charter will be established, as well as the recent strides made by Parliament in the reform of drug laws in the Islamic Republic of Iran.

2. The Special Rapporteur welcomes the high rate of participation in the presidential and local elections held in May, which showed the attachment of the Iranian people to democratic values and human rights. She is also encouraged by stances taken by the President of the Islamic Republic of Iran, Hassan Rouhani, during his electoral campaign in favour of freedom of the press and the necessity of advancing women's empowerment as well as the rights of all minorities and the most marginalized segments of Iranian society. President Rouhani also voiced concerns about pressure to curtail social media, the continuous placement of reformist leaders under house arrest and the repression of students.

3. In December 2016, the Special Rapporteur undertook a visit to Geneva, where she met with representatives of the authorities of the Islamic Republic of Iran and the United Nations High Commissioner for Human Rights as well as international non-governmental organizations. She presented her first report to the Human Rights Council (A/HRC/34/65) in March 2017 and met with officials from the Iranian High Council for Human Rights and the judicial branch, as well as civil society organizations operating both inside and outside the Islamic Republic of Iran. In June, she also held various consultations in Geneva and met with Iranian authorities.

4. The present report presents primarily information gathered from various sources. This includes information gathered from government responses to communications transmitted jointly by special procedures mandate holders during the first six months of 2017, information gathered from various websites maintained by branches and agencies of the Government, information published or submitted by non-governmental organizations located inside the Islamic Republic of Iran, laws and draft legislation, and information gleaned from statements published either by national media sources or by individual government officials.

5. From January to June 2017, the Special Rapporteur transmitted 21 communications to the Government jointly with other thematic special procedures mandate holders, on behalf of 81 alleged victims of human rights violations. The Government responded to three of these communications, considerably reducing its rate of reply compared with the previous six months.

6. Information received continues to highlight serious human rights challenges in the country, including the arbitrary detention and prosecution of individuals for their legitimate exercise of a broad range of rights; the persecution of human rights defenders, journalists, students, trade union leaders and artists; a high level of executions, including of juvenile offenders; the use of torture and ill-treatment; widespread violations of the right to a fair trial and due process of law, especially before revolutionary courts; and a high level of discrimination against women and religious and ethnic minorities. The report also addresses the widespread impunity that authorities responsible for past and current human rights violations continue to enjoy.

II. Charter on Citizens' Rights

7. In her first report to the Human Rights Council, the Special Rapporteur indicated that she was encouraged by the adoption in December 2016 of the Charter on Citizens' Rights.[1] The Charter is based largely on rights already set out in the Constitution and existing laws of the Islamic Republic of Iran, such as the rights to dignity and equality for all, freedom and personal security, freedom of thought and expression and access to information, and other key rights. However, in key areas such as women's rights and the rights of ethnic and religious minorities, the Charter offers almost no new rights protection.

8. Concerns have been raised about the non-binding legal nature of the Charter on Citizens' Rights. In December 2016, Elham Aminzadeh, one of the President's senior legal advisers, recognized that the Charter was not yet enforceable.[2] President Rouhani then announced during his election campaign that one of his plans for his first 100 days in office was to establish a special State body in charge of the implementation and protection of the rights set out in the Charter.[3] He also stressed that the Charter would be implemented by the next Government, which would hold other branches responsible for the way they treat citizens.[4]

9. The Special Rapporteur welcomes the fact that the aim of the Charter on Citizens' Rights is to serve as human rights guidelines for the executive branch. Reports indicate that some ministries are directly involved in human rights violations, in particular the denial of due process, censorship of the arts and print media, and restrictions imposed on religious minorities. Intelligence and security agencies are also widely accused of intimidation, harassment, torture and illegal detention of activists, human rights defenders, journalists and persons belonging to minorities. However, in order for the basic rights set out in the Charter, as guaranteed by the Constitution, to be meaningfully respected, broader institutional reforms are needed.

III. Civil and political rights

A. Right to take part in the conduct of public affairs

10. Presidential and local city and village council elections were held simultaneously in the Islamic Republic of Iran on 19 May 2017. President Rouhani was re-elected by a wide margin for a second term.[5]

11. During the period of candidate registration, a total of 1,636 individuals, including 137 women, submitted their names as candidates for president. However, in April, the Guardian Council, a body of six clerics appointed by the Supreme Leader that oversees the electoral process and vets the candidates, announced that the candidatures of only six men (0.37 per cent of the applicants) had been approved. Among them was Ebrahim Raisi, who reportedly had served on a committee that had ordered the extrajudicial executions of thousands of political prisoners in 1988.

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[1] See A/HRC/34/65, para. 5.

[2] See www.mehrnews.com/news/3852908/.

[3] See https://goo.gl/ZCjj8s.

[4] See www.irna.ir/fa/News/82517464/.

[5] President Rouhani won 18,613,329 of the 36,704,156 votes cast, which represented 50.71 per cent of the vote.

12. As during past elections, the exclusion of women, candidates representing the political opposition and non-Shiites was justified on the basis of article 115 of the Constitution,[6] which provides that presidential candidates must be "political and religious *rejal*"[7] and "faithful and adherent to the foundations of the Islamic Republic of Iran and to the official religion of the country". In May, more than 180 women's rights activists signed a declaration stating their demands for an end to gender discrimination and for women to fill "at least 30 per cent" of ministerial positions.

13. Applicants for local elections were vetted by monitoring boards set up by Parliament. As a result of this process, a number of reformist applicants from across the country were disqualified, including Abdollah Momeni, Ali Tajernia and Nasrin Vaziri, who had previously been imprisoned for participating in the peaceful protests disputing the results of the 2009 election.

14. The Special Rapporteur received information about numerous cases of the arrest and detention of members of opposition parties in the lead-up to the elections.

15. Saleh Deldam, a member of the Mardom Salari reformist political party was arrested in February on charges of propaganda against the State by the Ministry of Intelligence and Security. Mr. Deldam had previously been detained and interrogated on numerous occasions by intelligence officers and the Revolutionary Guards because of public statements that he had made.

16. In March, Hengameh Shahidi, a reformist senior member of the Etemad Melli (National Trust) opposition party, was arrested without a warrant at her home in Mashhad. Anticipating her arrest, she had composed two letters in which she explained that she was being targeted "as part of a project to arrest political activists and journalists" and urged President Rouhani to halt the crackdown. Soon after her arrest, Ms. Shahidi was transferred to section 209 of Evin Prison under the control of the Ministry of Intelligence and Security, and she has been detained in solitary confinement since then. Ms. Shahidi went on a hunger strike the day of her arrest. At the time of reporting, she was still unaware of the charges against her and unable to contact her lawyer. In their comments on the present report, the Iranian authorities indicated that Ms. Shahidi had been charged with propaganda against the regime and collusion with the intent to undermine the country's internal security.

17. At least one of Mr. Rouhani's campaign offices, in North Tehran, and one reformist headquarters, in Mashhad, were subjected to sabotage attempts or forced closures, or staffers were impeded from campaigning in the streets.[8] Reformist political activist Faezeh Hashemi, a former Member of Parliament and the daughter of the late President Akbar Hashemi Rafsanjani, was also prevented by security forces from speaking at Rouhani's campaign office in Arak in April.[9]

18. During his last campaign rally, held in the city of Mashhad in May, President Rouhani cautioned the Revolutionary Guards and Basij paramilitary forces from interfering in the political process.

19. The Special Rapporteur welcomes the assurances given by President Rouhani during his campaign that the former presidential candidates Mir Hossein Mousavi, Mehdi Karroubi and Zahra Rahnavard, who have been held under house arrest for

[6] Similar rules are contained in article 35 of the Presidential Electoral Law.

[7] The Arabic word "*rejal*", contained in article 115 of the Constitution, means "men".

[8] See http://iranprimer.usip.org/blog/2017/may/16/race-final-stretch and https://www.iranhumanrights.org/201[illegible]05/judiciary-shuts-down-reformists-campaign-headquarters-in-irans-second-largest-city/.

[9] See www.iranhumanrights.org/2017/05/prominent-political-activist-faezeh-hashemi-barred-from-speaking-at-rouhani-campaign-event/.

the past six years in the absence of charges or a trial, will soon be freed. She calls on Iranian authorities to proceed immediately and unconditionally with their release, as well as the release of all political opponents jailed in the lead-up to the elections. The Special Rapporteur also recommends that all discriminatory provisions that unduly restrict women and members of religious minorities from taking part in the conduct of public affairs be repealed.

B. Rights to freedom of expression, opinion, information and the press

20. By ratifying international human rights instruments, the Islamic Republic of Iran has committed itself to protecting human rights defenders and to ensuring freedom of opinion, expression and peaceful assembly, which constitute indispensable conditions for the full development of the person and the foundation for every free and democratic society. The Charter on Citizens' Rights recognizes the right of every citizen to freedom of speech and expression (article 26), the right to freely seek, receive and publish views and information pertaining to various issues, using any means of communication, and the right to communicate and obtain information without restriction, unless by explicit legal authority.

21. Nevertheless, since the beginning of the year, the Special Rapporteur has received a large amount of evidence that these rights continue to be disrespected and were particularly violated during the electoral period.

22. At least 12 journalists as well as 14 bloggers and social media activists reportedly either were in detention or had been sentenced for their peaceful activities as of June 2017, including Morad Saghafi, Ehsan Mazandarani, Zeinab Karimian and Tahereh Riahi. Many others remain subjected to interrogation, surveillance and other forms of harassment and intimidation. The Islamic Republic of Iran was ranked 165th out of 180 countries on the 2017 World Press Freedom Index of Reporters without Borders.[10]

23. In January, Zeinab Karimian, a producer for the State-run television programme *Salam Khorshid* and former reporter for the official Islamic Republic News Agency, was arrested. Since then, her family has had limited contact with her, and the reasons for her detention were still not known at the time of reporting. The Iranian authorities informed the Special Rapporteur that Ms. Karimian had been charged with being an "accessory to corruption on Earth".

24. In March, Ehsan Mazandarani, former Editor-in-Chief of the reformist newspaper *Farhikhtegan*, was returned to Evin Prison by agents of the Islamic Revolutionary Guard Corps, who came to his home and reportedly shocked him with a taser stun gun. This arrest took place only a month after he had been released from jail. Mr. Mazandarani had previously been arrested in November 2015 and sentenced to two years in prison on charges of assembly and collusion with the intention of committing a crime. He had also been banned from working as a journalist for two years.

25. The same month, security forces arrested Morad Saghafi, the editor of *Goftegoo Magazine*. In a speech at a seminar on local affairs, Mr. Saghafi had criticized the "unchecked powers" of Iranian officials and accused local authorities of running Tehran in a "corrupt and dictatorial" manner.[11] Revolutionary Guards

[10] See https://rsf.org/en/ranking.

[11] See https://cpj.org/2017/03/iranian-editor-social-media-moderator-detained.php.

also arrested seven administrators of 12 reformist-aligned channels on the popular Telegram messaging application.[12]

26. In April, Prosecutor-General Mohammad Jafar Montazeri explained that the social media application Instagram Live, used by Iranians to circulate information in real time about the candidates and their campaigns, had been blocked because the intelligence agencies could not monitor it. In June, six of the jailed administrators started a hunger strike in Evin Prison to protest their prolonged detention without access to legal counsel.

27. During the same month, another journalist, Issa Saharkhiz, was arrested a day after his release from jail and sentenced to one year in prison for reportedly insulting former President Mahmoud Ahmadinejad and the head of the judiciary, Sadeq Larijani.[13]

28. In June, Tahereh Riahi, an editor who had worked for the media division of Mr. Rouhani's campaign, was released on bail after six months of solitary confinement in section 209 of Evin Prison. Ms. Riahi had been arrested by agents of the Ministry of Intelligence and Security and was unaware of the charges brought against her until recently. Asal Esmailzadeh, another member of Mr. Rouhani's media team, was arrested in June.

29. In June, Mahmoud Vaezi, Minister of Communications and Information Technology, acknowledged that his ministry had filtered 7million websites during Rouhani's first term.[14]

30. The Special Rapporteur emphasizes that the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other forms of media to allow comment on public issues without censorship or restraint and to inform public opinion.[15] She views as positive the strong stances taken by President Rouhani during his electoral campaign[16] and hopes that they will be followed by prompt measures for effective protection of the rights to freedom of opinion and expression and by the immediate release of all those who have been charged, sentenced and/or jailed for exercising those rights.

31. The Special Rapporteur also remains concerned about the detention of artists and musicians for peacefully exercising their right to free expression. While welcoming the release in April of Iranian filmmaker Keywan Karimi after he had spent nearly five months in prison, she notes that his five-year suspended prison sentence remains in place and that the authorities may reportedly enforce his flogging sentence of 223 lashes at any time.[17] In June, Mehdi and Hossein Rajabian, two music producers, were also temporarily released on bail after having spent 13 months in detention. Both were sentenced to six years in prison in 2015 for "insulting the sacred" and "propaganda against the State", after a 15-minute trial by a revolutionary court. Their sentence was reduced to three years in prison upon appeal.

[12] See https://rsf.org/en/news/iran-deprives-55-million-voters-freely-reported-news.
[13] See www.tasnimnews.com/fa/news/1396/02/06/1389943.
[14] See www.isna.ir/news/96031608592/.
[15] See CCPR/C/GC/34.
[16] See www.isna.ir/news/96010601589.
[17] See www.amnestyusa.org/urgent-actions/urgent-action-victory-iranian-filmmaker-keywan-karimi-released-iran-ua-1916/.

C. Freedom of association and assembly and the situation of human rights defenders

32. The situation of human rights defenders, including anti-death-penalty campaigners, women's rights activists, trade unionists, human rights lawyers, minority rights activists and relatives of those summarily executed or forcibly disappeared during the 1980s who are seeking accountability, remains deeply concerning.

33. In January, the Special Rapporteur raised alarm over the critical health situation of several prisoners of conscience on a life-threatening hunger strike in the Islamic Republic of Iran to contest the legality of their detention.[18] Among them were Saeed Shirzad, Ali Shariati, Mohammad Reza Nekounam, Hassan Rastegari Majd, Mehdi Koukhian, Nezar Zaka, Mohammed Ali Taheri and Arash Sadeghi. All of them were still in jail as of June. Omid Alishenas, an anti-death-penalty activist, was also still in detention in June.

34. In January, Golrokh Ebrahimi Iraee, who had been sentenced to a six-year prison sentence on charges that included "insulting Islamic sanctities" for writing an unpublished story about the practice of stoning, was temporarily released as a result of the hunger strike of her husband, the human rights defender Arash Sadeghi, but was re-arrested a couple of days later. The Iranian authorities explained that, since there was now a possibility under the new Islamic Penal Code to change a stoning sentence to a death sentence, the court had decided that her activities were defaming Islamic sanctities.

35. Mr. Sadeghi, who has been kept in solitary confinement in a security ward at Evin Prison, is currently reported to be in critical condition because of his prolonged hunger strike and the fact that he has been denied medical assistance. In June, Revolutionary Guards reportedly told Mr. Sadeghi that they would not let him leave the prison alive. The Special Rapporteur urges the Iranian authorities to immediately intervene to save his life.

36. In her first report, the Special Rapporteur drew attention to the arbitrary arrest and detention of the prominent human rights defender Narges Mohammadi, who is serving a 16-year prison sentence handed down by a revolutionary court for her anti-death-penalty activities.[19] In April, the Supreme Court rejected her request for judicial review. Since then, Ms. Mohammadi has reportedly proposed a furlough in exchange for her written commitment not to speak about her case or meet anyone in relation to it. In an open letter, Ms. Mohammadi responded that her imprisonment had made her more determined to carry out her peaceful defence of human rights.[20]

37. The Special Rapporteur has continued to receive information about actions being taken, mainly by the judiciary, against the families and lawyers of activists and dissidents in order to exert pressure on them.

38. In January, the authorities charged the two sisters of Atena Daemi, an anti-death-penalty activist who has been detained since November 2016. Hanieh and Ensieh Daemi were accused of "insulting the Supreme Leader", "intentional assault", "obstructing public officials in the performance of their official duties" and "insulting public officers on duty" by opposing the violent manner in which the Revolutionary Guards had raided the house of Atena Daemi's parents and forcibly arrested her. In March, branch 1162 of the criminal court in Tehran sentenced each of them to a prison term of three months and one day. In April, Atena Daemi went

[18] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21071&LangID=E.

[19] See A/HRC/34/65, paras. 53-55.

[20] See www.humanrights-ir.org/?p=1743.

on a hunger strike in protest against those sentences. In May, in a positive development, the appeals court reversed the first-instance verdict.

39. Serious concerns also persist concerning laws and practices that continue to impose undue restrictions on the right to freedom of association and a ban on independent trade unions. The Labour Code of the Islamic Republic of Iran permits worker representation only through an Islamic labour council or a trade association (guild society).[21] Candidates standing for election to Islamic labour council boards are subjected to screening procedures, including to demonstrate their Islamic belief and their "practical allegiance" to Islam, and to show that they are faithful to the rule of the Supreme Leader.

40. Many trade unionists continue to languish in prison for their peaceful activism and protest against unpaid wages, precarious work conditions, staggering inflation and poor living conditions. In particular, this is the case with Esmail Abdi, a mathematics teacher and member of the board of directors of the Tehran Teacher Trade Association, who is serving a six-year prison sentence; and Behnam Ebrahimzadeh, a member of the Committee to Pursue the Establishment of Workers' Organizations, who has spent nearly seven years in prison, serving two separate terms totalling almost 13 years. In March, Mehdi Farahi Shandiz, a member of the Committee to Pursue the Establishment of Labour Unions in Iran, was exiled to a remote prison in Qazvin Province.

41. Many others face prison sentences solely for their peaceful trade union activities, including: three other members of the board of directors of the Tehran Teacher Trade Association, Mahmoud Beheshti Langroodi, Mohammad Reza Niknejad and Mehdi Bohlooli; a member of the Committee to Pursue the Establishment of Workers' Organizations, Mahmoud Salehi; three members of the Syndicate of Workers of Tehran and Suburbs Bus Company, Davoud Razavi, Ebrahim Madadi and Reza Shahabi; and two members of the Free Union of Workers of Iran, Jafar Azimzadeh and Shapour Ehsanirad. The trade unionists were all sentenced to harsh prison terms ranging from 5 to 11 years, after trials before revolutionary courts on national security charges. Participation in peaceful trade union activities was invariably accepted as "evidence" of charges brought against them in the court rulings.

42. In June, a travel ban was imposed by the Iranian judiciary on two prominent labour rights activists and members of the Tehran bus drivers union, Reza Shahaabi and Davoud Razavi, who were prevented from attending the 106th session of the International Labour Conference, held in Geneva, despite being invited. Both of them were prosecuted for engaging in peaceful and legitimate trade union activities. A number of such convictions were reportedly handed down by Judge Abolghassem Salavati.

D. Arrest and detention of dual nationals

43. In 2016, the Working Group on Arbitrary Detention identified an emerging pattern involving the arbitrary deprivation of liberty of dual nationals in the Islamic Republic of Iran.[22] That pattern was confirmed during the first half of 2017.

44. In April, the Special Rapporteur alerted the Government to the rapid deterioration in the physical and mental health of Siamak and Baquer Namazi, both of whom hold dual Iranian-American citizenship. Baquer Namazi, an 80-year-old

[21] Section 130 of the Labour Code states that the establishment of Islamic societies is "to propagate and disseminate Islamic culture and to defend the achievements of the Islamic revolution".

[22] See A/HRC/WGAD/2016/28, para. 48.

former official of the United Nations Children's Fund, arrived in the Islamic Republic of Iran in February 2016 with a view to securing the release of his son Siamak and was arrested upon his arrival. Both were sentenced to 10 years in prison on charges of "collusion with an enemy State" in October 2016.[23] In March, an appeal hearing in their case was held; however, at the time of reporting, the decision remained pending.

45. In April, the Supreme Court rejected the second appeal of Nazanin Zaghari-Ratcliffe, an Iranian-British project manager for the Thomson Reuters Foundation, who had been arrested by security agents in April 2016 as she was returning to the United Kingdom of Great Britain and Northern Ireland with her 22-month-old daughter. Her detention was found to be arbitrary by the Working Group on Arbitrary Detention in August 2016.[24] She was sentenced in September 2016 to five years' imprisonment on "secret charges" following a trial in which her lawyer had only five minutes to argue her defence and she was prohibited from speaking. At the time of reporting, the passport of her daughter remained confiscated. The Iranian authorities placed her in the care of her grandparents, with no possibility for her British father to visit.

46. In May, the Working Group on Arbitrary Detention ruled that the detention of Khamal Foroughi, a 77-year-old British-Iranian citizen who has been detained in Evin Prison since his arrest in May 2011, was arbitrary and called for his immediate release.[25] Mr. Foroughi had been arrested by plain-clothes men who did not show any arrest warrant or explain the reasons for his arrest. Initially, he was held in solitary confinement for more than 18 months without being informed of the charges against him. Later, he was convicted on charges of "espionage" and for possessing alcoholic beverages. Mr. Foroughi's health condition has deteriorated, and he is currently in urgent need of specialized medical care.

47. In May, the Special Rapporteur intervened on behalf of Dr. Ahmadreza Djalali, a 45-year-old Iranian national and resident of Sweden who is a medical doctor, lecturer and researcher in disaster medicine, who had been arrested in April 2016 by officials from the Ministry of Intelligence and Security. The procedure against him was marred by violations of due process and fair trial guarantees, including incommunicado detention, denial of access to a lawyer and alleged emotional and psychological pressure to sign statements. In January, Dr. Djalali was taken before branch 15 of the revolutionary court in Tehran without his lawyer and informed that he was accused of "espionage" and could face the death penalty. The prosecution authorities reportedly told his lawyer that he could take up Dr. Djalali's case, but refused to share the court files with him.

48. In addition to the above-mentioned individuals, other dual nationals, namely, Roya Nobakht, Kamran Ghaderi, Karan Vafadari and his wife, Ahmadreza Jalali, Abdolrasoul Dorri Esfahani and Sabri Hassanpour, were still in jail as of June. Others continued to be subject to travel bans. The Islamic Republic of Iran does not recognize dual nationality, thus depriving such citizens of consular access while in custody.

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[23] The Special Rapporteur addressed due process violations in the cases of both Baquer and Siamak Namazi in her first report to the Human Rights Council (see A/HRC/34/65, para. 46).

[24] See https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/208/94/PDF/G1620894.pdf?OpenElement .

[25] See www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_7.pdf.

E. Right to life

Death penalty

49. The Special Rapporteur notes with concern that, since the issuance of her first report, the application of the death penalty has continued at an alarming rate. At least 247 persons, including 3 women, have reportedly been executed since January 2017.[26]

50. As in previous years, the majority of these executions have been carried out for drug-related offences. Many of those executed are poor and belong to marginalized groups in Iranian society.

51. On 16 July 2017, Parliament approved amendments to the 1997 Law to Combat Drugs. The draft legislation was then sent back to the judicial and legal commission of Parliament for deliberation on certain changes. The initial amendments, which had been introduced by members of Parliament, had sought to replace the death penalty with imprisonment for up to 30 years for certain non-violent offences. However, reportedly as a result of pressure from judicial and law enforcement authorities, some of the amendments had been retracted and the death penalty maintained for a wide range of drug trafficking offences, based on the quantity and type of drug seized.[27] Once adopted, the law will have to be approved by the Guardian Council.

52. Members of Parliament had formerly requested the judiciary to stop drug-related executions for at least 5,000 prisoners pending further investigation, and on 5 July the members of the judicial and legal commission joined in asking the judiciary for a suspension of executions until Parliament could vote on the bill.[28] However, the measure was not implemented.

53. Reportedly, drug offenders sentenced to death continue to be deprived of their right to a fair trial and due process. In January,. Nusratullah Khazayi was hanged in Qazvin Prison after more than five years in detention, even though his case was still pending. Prison officials did not inform his family that his death sentence had been implemented.[29] During the same month, Hadi Moghaddam was hanged in Karaj Central Prison on a charge of carrying 1 kg of drugs. His appeal was pending in the Supreme Court at the time, and confirmation of his sentence had not been communicated to him.

54. On 5 April, the Committee on the Rights of Persons with Disabilities issued its concluding observations on the initial report of the Islamic Republic of Iran under the Convention on the Rights of Persons with Disabilities. The Committee recommended that the Government replace the death penalty as a form of punishment and ensure that persons with disabilities were not subject to arbitrary deprivation of life. On the same day, the authorities of Tabriz Central Prison executed Marout Abbasi, a man reportedly exempted from mandatory military service owing to mental impairment, who had been sentenced to death on murder charges. A few days later, another man with a psychosocial disability, Rahman Hosseinpour, was also hanged in the same prison.[30]

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[26] See http://iranrights.org/newsletter.

[27] See www.amnesty.org/en/latest/news/2017/07/iran-must-not-squander-opportunity-to-end-executions-for-drug-related-offences/.

[28] See http://hamshahrionline.ir/details/353801/Society/socialnews and https://www.hrw.org/news/2017/07/20/iran-halt-drug-related-executions.

[29] See www.en-hrana.org/prisoner-executed-qazvin-end-due-process.

[30] See https://iranhr.net/en/articles/2836/.

55. The death penalty for murder charges, referred to as *qisas* (retribution in kind), accounts for the second-largest group of those executed in the Islamic Republic of Iran. In 2017, at least 88 people (35 per cent of reported executions) were executed on the basis of *qisas* provisions. These provisions imply that the responsibility for execution for murder lies with the victim's family. According to the Islamic Penal Code, the application of the death penalty varies depending on the religion of both the perpetrator and the victim. For example, Muslims, followers of recognized religions and "protected persons" who kill followers of unrecognized religions or "non-protected persons" are exempt from *qisas*. This means that if a Muslim killed a follower of the Baha'i faith (which is not a recognized religion) or a non-believer, *qisas* would not be possible.[31]

56. In June, two people convicted of murdering Farhang Amiri, a Baha'i citizen who had been stabbed to death in September 2016, were released on bail after having confessed to killing him because of his faith.[32]

57. Iranian law also permits the imposition of the death penalty for the crimes of adultery, premarital sex, apostasy, blasphemy and homosexuality.[33]

58. In January, the Supreme Court upheld the death sentence of Sina Dehghan for social media posts considered to be apostasy under article 262 of the Islamic Penal Code. Mr. Dehghan had reportedly been tricked into signing his confession.[34] During the same month, the Tehran prosecutor announced that an unnamed man and woman had been sentenced to death on charges of sowing corruption on Earth for "encouraging" illicit sexual relations in the context of a new "sect".[35]

59. In some cases, executions are preceded by the imposition of corporal punishment. In January, the public prosecutor of Alborz Province announced that flogging and death sentences against a man had been carried out in Qazvin Central Prison. In April, the deputy of the Public and Revolutionary Prosecutor's Office of Central Kerman Province announced that a sentence of flogging, incarceration and execution had been carried out against a man convicted on multiple charges, including sexual crime, after its confirmation by the Supreme Court.[36]

60. Revolutionary courts continue to issue the vast majority of death sentences. Violations of the rights to fair trial and due process are systematic before these courts. Legal representation is denied during the investigation phase, lawyers are often refused access to information, many trials reportedly last only a few minutes, and no evidence other than confessions extracted through torture is considered for the imposition of a death sentence.[37]

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[31] See www.jamnews.ir/TextVersionDetail/405204; http://www.iranhrdc.org/english/human-rights-documents/united-nations-reports/un-reports/1000000454-ihrdc-s-submission-to-the-un-universal-periodic-review.html; and https://iranhr.net/media/files/Rapport-iran-2014-GB-030314-bd-e.pdf, p. 11.

[32] See www.bic.org/news/murderers-bahai-released-bail.

[33] See www.reprieve.org.uk/death-penalty-around-world/the-facts/five-called-crimes-punishable-death.

[34] See www.iranhumanrights.org/2017/03/young-man-facing-death-for-insulting-islam-online-tricked-into-signing-confession/.

[35] See www.isna.ir/news/95122213908.

[36] See http://kerman.isna.ir/default.aspx.

[37] See www.washingtonpost.com/world/national-security/irans-revolutionary-courts-are-criticized-as-swift-and-unjust/2015/05/29/2d203708-0555-11e5-8bda-c7b4e9a8f7ac_story.html?utm_term=.c49c0b9461c3.

Executions of juvenile offenders

61. By ratifying both the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, the Islamic Republic of Iran has committed itself to protecting and respecting children's right to life and to forbidding the imposition and execution of the death penalty against persons younger than 18 years of age. Nevertheless, executions of juvenile offenders have continued at an unprecedented rate since the beginning of the year.

62. Seven such cases have been transmitted to the Special Rapporteur since January, and three of the juvenile offenders had already been executed when the information was received. At least 89 juvenile offenders were on death row in June; the exact number may be much higher. This strongly suggests that the 2013 juvenile sentencing provisions of the Islamic Penal Code have failed in stopping juvenile executions.

63. During a meeting held in March with officials from the High Council for Human Rights and members of the judiciary, the Special Rapporteur requested a list of all juvenile offenders on death row as well as information about the Criminal Procedure Bill in respect of Juveniles and Children, which she had mentioned in her first report.[38] She regrets that she has not received a response to her request.

64. In January, Arman Bahr Asemani, who was sentenced to death for a murder that he had committed when he was 16 years old, was executed in Kerman Prison after unsuccessful attempts to obtain the consent of the next of kin. During the same month, Hasan Hasanzade, 18 years old, was executed in Tabriz Central Prison for a murder that he had committed at the age of 15. In April, Ashgar Mohammadi, aged 46, was arrested for a murder that he had reportedly committed when he was 16 years old; he was executed in Karaj Central Prison a month later.[39]

65. The Special Rapporteur, jointly with other experts, intervened on behalf of four juvenile offenders at risk of imminent execution: Sajad Sanjari, Hamid Ahmadi, Mehdi Bohlouli and Peyman Barandah. While the Special Rapporteur welcomes the stay in their executions and the reconciliation obtained in the case of Mr. Barandah, she remains seriously concerned that, to date, the two others remain at risk of execution, their lives often depending on the capacity of their families to pay large amounts of blood money.[40] Such a system places individuals from poor families at a disproportionate risk of execution. At the time of reporting, another juvenile, Alireza Pour Olfat, was at risk of execution because his family had not managed to raise the requested amount.

66. Procedures involving children sentenced to death continue to be marred by violations of the right to due process and fair trial guarantees. In the case of Hamid Ahmadi, whose execution has already been scheduled three times, the court relied on confessions reportedly obtained under torture and ill-treatment at a police station, where Mr. Admadi had no access to a lawyer or to his family. These allegations never led to any investigation. Zeinab Sekaanvand Lokran, a child bride accused of murdering her husband when she was 17 years old, was reportedly subjected to repeated torture and denied access to a lawyer. The court reportedly ignored her retracted confessions. In March, she was informed that her sentence had

[38] See A/HRC/34/65, para. 22.

[39] See http://press.jamejamonline.ir/Newspreview/2853861935059485675 and https://iranhr.net/en/articles/2896/.

[40] Article 549 of the Islamic Penal Code provides that the amount of *diyah* (blood money) is determined at the beginning of each year by the head of the judiciary after obtaining the view of the Supreme Leader. However, nothing in law prevents the family of the deceased from conditioning a pardon on the receipt of larger sums of money.

been sent to branch 4 of the Office for the Implementation of Sentences in Oroumieh. She may therefore be executed at any time.

67. Requests for retrial based on article 91 of the 2013 Islamic Penal Code continue to be rejected without any reason being given, in violation of the 2015 decision of the Supreme Court requiring all courts to retroactively apply the new amendments to the Code to all cases adjudicated before 2013. Hamid Ahmadi submitted two such requests, both of which were rejected by the judge presiding over branch 35 of the Supreme Court. The Supreme Court also rejected the requests of Peyman Barandah three times without providing written justifications for those refusals. Mohammad Reza Haddadi, who has been held on death row for the past 13 years, was informed in January that his request for retrial had been rejected. In February, Ms. Sekaanvand Lokran's lawyer also learned through the online system of the Supreme Court that her request for retrial had been rejected. However, no written decision was communicated to her lawyer. At the time of reporting, no decision had been made as to whether Sa'id Ahadi Dolaq, a juvenile sentenced to death at the age of 16, would be granted retrial.

68. The Special Rapporteur notes that the outcome of a retrial depends on a judge's assessment of a child's maturity level at the time when he or she committed a crime, which is sometimes years ago. Such a subjective assessment can result only in arbitrary decisions regarding the life or death of a juvenile offender. In February, the judiciary agreed to commute the death sentences of six juvenile offenders, while rejecting four other requests for undisclosed reasons.[41]

69. Retaining the death penalty for boys of at least 15 lunar years of age and girls at least 9 lunar years old is inconsistent with the obligations of the Islamic Republic of Iran under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.[42] It is the obligation of the State to protect the rights of a child, not to leave that decision to the family of the victim.

70. During the reporting period, the Special Rapporteur continued to receive information about the harassment, intimidation and prosecution of human rights defenders seeking truth and justice on behalf of individuals who had reportedly been summarily executed or forcibly disappeared during the 1980s.

71. In March, families who visited a mass grave located in the city of Mashhad, Razavi Khorasan Province, where up to 170 political prisoners are believed to be buried, reportedly discovered that the previously flat area had been covered with soil to create a raised mound over the grave. In mid-May, bulldozers were reportedly seen working on a construction project directly alongside the mass grave site at Ahvaz, located on a barren piece of land 3 km east of Behesht Abad Cemetery, where the remains of at least 44 people killed during the summer of 1988 are believed to be located. The plan is reportedly to ultimately raze the concrete block marking the grave site and build a "green space" or commercial development over the site.

72. In her first report to the Human Rights Council, the Special Rapporteur raised the case of Maryam Akbari Monfared, who had been denied medical treatment and threatened with the cancellation of her visitation rights for having published a letter calling for an investigation into the executions of 1988.[43] In May, Ms. Akbari Monfared's husband was summoned for interrogation by the Ministry of Intelligence and Security and threatened with the prospect that his wife would face

[41] www.iranhumanrights.org/2017/02/6-juvenile-execution-has-been-canceled/.

[42] See articles 146 and 147 of the Islamic Penal Code.

[43] See A/HRC/34/65, para. 32.

an additional three-year prison term and exile to a remote prison in Sistan and Baluchestan Province if she continued to write open letters about the 1988 events.

73. Between July and August 1988, thousands of political prisoners, men, women and teen-agers, were reportedly executed pursuant to a *fatwa* issued by the then Supreme Leader, Ayatollah Khomeini. A three-man commission was reportedly created with a view to determining who should be executed. The bodies of the victims were reportedly buried in unmarked graves and their families never informed of their whereabouts. These events, known as the 1988 massacres, have never been officially acknowledged. In January 1989, the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, Reynaldo Galindo Pohl, expressed concern over the "global denial" of the executions and called on Iranian authorities to conduct an investigation. Such an investigation has yet to be undertaken.[44]

74. In August 2016, an audio recording of a meeting held in 1988 between high-level State officials and clerics was published. The recording revealed the names of the officials who had carried out and defended the executions, including the current Minister of Justice, a current high court judge, and the head of one of the largest religious foundations in the country and candidate in the May presidential elections. Following the publication of the audio recording, some clerical authorities and the chief of the judiciary admitted that the executions had taken place and, in some instances, defended them.

F. Right to be free from torture and other cruel, inhuman or degrading treatment or punishment

75. The use of torture and ill-treatment, such as amputation, blinding and flogging, remains legal and a regular practice in the Islamic Republic of Iran. Reliance on physical and mental torture to coerce a confession (mostly during pretrial detention), the use of prolonged solitary confinement and the denial of access to proper and necessary medical treatment for detainees continue to be widely reported.

76. In January, Hossein Movahedi, a media reporter in Najafabad accused of disseminating falsehoods, was flogged for having mistakenly reported that the Najafabad police department had impounded 35 student-owned motorcycles, whereas the correct number was 8.[45] Under articles 609 and 698 of the Islamic Penal Code, criticizing government officials or publishing false news is punishable by 74 lashes. Since 2009, no fewer than 40 journalists and citizen journalists have reportedly been sentenced to 2,000 lashes.[46] Also in January, two persons convicted by branch 101 of criminal court 2 in Sarakhs were flogged in public.[47]

77. In April, Iranian media reported that three individuals accused of kidnapping and other crimes had been paraded in a degrading way around the town of Dehloran in Ilam Province, pursuant to an order by the Dehloran prosecutor.[48] Such degrading treatment has also been reported in several other Iranian cities in recent years, including Tehran, Mashhad, Qom and Sari.

78. In May, a young woman arrested on charges of having "satanic relations" with a man other than her husband was sentenced to two years of washing corpses in

[44] See E/CN.4/1989/26, para. 68.
[45] See www.isna.ir/news/95101911558.
[46] See https://rsf.org/en/news/iranian-revolutions-38th-anniversary-38-years-media-repression.
[47] See http://iranrights.org/library/document/3127.
[48] See www.mehrnews.com/news/3951403.

morgues and 74 lashes by the branch 5 criminal court in Tehran.[49] In their comments on the present report, the Iranian authorities explained that working in a mortuary should not be regarded as a humiliating punishment, because every job was respectable.

79. During the same month, the Special Rapporteur intervened on behalf of two men at risk of amputation in the city of Arak, Ali Rahzani and Hushang Kavusi. Mr. Rahzani was reportedly subjected to torture, including beatings with cables, and had no access to a lawyer until the first day of his trial. At no point during the judicial process did a lawyer assist Mr. Kavusi. The Special Rapporteur received information indicating that the amputation sentences handed down against at least nine persons had been confirmed. In their comments on the present report, Iranian authorities explained that amputations were carried out in rare cases in which "committed crimes may have disturbed the safety or sentiments of a huge number of people".

80. In June, the public and revolutionary prosecutor in Qazvin, Ismail Sadeghi Niaraki, announced that, out of the 90 people arrested for eating in public during the month of Ramadan, 20 had received flogging sentences, which had been carried out.[50]

81. The Special Rapporteur also received detailed information about inhuman and degrading conditions of detention in Iranian prisons.[51] A member of the judicial and legal commission of Parliament, Mohamad Ali Pourmokhtar, indicated a year ago that there were 400,000 prisoners in prisons originally built for 140,000 people.[52] This is nearly three times the capacity of the country's prisons.

82. Iranian officials also admitted that prisoners experienced a serious hygiene problem as well as a lack of proper medical care.[53] In Mahabad Prison, 500 people are reportedly jailed in a facility equipped with only four bathrooms and showers. The medical services available to inmates in the women's ward of Evin Prison in Tehran are reportedly grossly inadequate, and access to treatment for female inmates is restricted owing to Sharia-based reasons and the unavailability of female staff.[54] Dying in prison is not an extraordinary occurrence, according to some inmates.

83. In many cases, the deprival of medical care is used as a form of punishment. Out of the 21 communications sent to the Government since January, six contained allegations of denial of medical care with a view to intimidating or punishing detainees or coercing confessions. Although such cases have been denounced for years by international human rights mechanisms, no investigation seems to have yet taken place. Also of concern is the reported widespread availability of narcotics in prison, with prison guards reportedly playing an active role in their smuggling.

84. Reports also indicate that inmates are often subjected to ill-treatment and torture by interrogators and guards, including blackmailing, beating and physical abuse, verbal abuse, interrogation for long hours, sleep deprivation, forcing heads into toilets, and solitary confinement. The practice of forcing female political detainees to undress in front of male agents at the time of their arrest is disturbing. Two such cases were documented in 2017. The cases of 86 detainees subjected to prolonged periods of solitary confinement from 2013 to 2017 were also communicated to the Special Rapporteur.

[49] See www.aryanews.com/News/1201705131132912859/.

[50] See https://iranhr.net/en/articles/2909/.

[51] See https://united4iran.org/wp-content/uploads/FinalReport.pdf.

[52] See http://www.mashreghnews.ir/news/610625/.

[53] See www.bbc.com/persian/iran/2016/08/160813_an_iran_prisons_health_problems.

[54] See www.iranhumanrights.org/wp-content/uploads/ICHRI_report_WomensPrison_0616_WEB_Revised.pdf.

IV. Thematic rights issues

A. Women's rights

85. The Special Rapporteur was pleased by Mr. Rouhani's pledges in favour of raising the status of women in society. On 9 May, at a campaign rally, he indicated that gender discrimination and gender tyranny would not be accepted and announced that a comprehensive plan to deal with "women's uneven progress" in various areas would be adopted.

86. The Islamic Republic of Iran has committed itself to the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, including Goal 5, on achieving gender equality and empowering women and girls, and therefore has agreed to end all forms of gender discrimination, to eliminate all harmful practices such as child, early and forced marriage, and to ensure full and effective participation and equal opportunities for leadership at all levels.

87. While President Rouhani appointed three women as members of his Cabinet, there are currently no female ministers. Women were excluded from running in presidential elections, and only 6.3 per cent of the candidates in the city and village council elections held in 2017 were women. Women's participation in the job market remains as low as 16 per cent, and women earn 41 per cent less than men for equal work. Unemployment among women is twice as high as it is among men, with one out of every three women with a bachelor's degree currently unemployed.[55] Women remain excluded from certain occupations, including from serving as judges who issue rulings, although they may be appointed as assistant judges.

88. The capacity of civil society organizations to promote and protect women's rights has been considerably undermined as the result of attacks on women human rights activists in the form of judicial harassment, detention and smear campaigns.

89. In February, the Kurdish women's rights activist Farzaneh Jalali was arrested without prior summons and was charged with "acting against national security through propaganda against the State". Ms. Jalali was released on bail in March, after a 16-day detention in the Intelligence Service Detention Centre in Kermanshah.

90. In May, Ali Nejadi, Ezzatollah Jafari, Abdolreza Shakeri Roshan, Shapour Rashno and his wife, Zeinab Keshvari, Ashraf Rahim-Khani, Ali Mohammad Jahangiri and Pejman Mirzavand received sentences from branch 2 of the revolutionary court in Dezful of up to four years in prison for allegedly reading and spreading "feminist literature" in the Islamic Republic of Iran. They were arrested in 2015 by the intelligence unit of the Revolutionary Guards and were released on bail between one and two months later. The authorities sealed their bookstore.

91. Women who do not wear a hijab that conforms to authorities' interpretation of so-called "modesty" in public can be sentenced to up to two months in prison or to pay a fine. In May, a new social media campaign opposing the mandatory dress code imposed on Iranian women was launched. Using the hashtag #whitewednesdays, citizens have posted more than 200 pictures and videos of themselves wearing white headscarves or pieces of white clothing as symbols of protest. State-sanctioned media outlets as well as social media accounts believed to be affiliated with the Revolutionary Guards and Basij paramilitary forces have then published articles describing Masih Alinejad, founder of the online movement "My

[55] See www.hrw.org/report/2017/05/24/its-mens-club/discrimination-against-women-irans-job-market.

Stealthy Freedom" and launcher of the campaign, as a "whore"[56] and claiming that she was sexually abused.[57] Mashregh News reposted an article originally issued three years ago containing a photograph of Ms. Alinejad with her parents, together with a bold caption reading, "May God kill Masih". At the end of May, Ms. Alinejad's telegram account began to be targeted.[58] In June, Hojatoleslam Seyed Ebrahim Hosseini, in a Friday sermon, called women who wear white shawls "prostitutes".[59] Two members of Parliament, Tayebeh Siavoshi and Parvaneh Salahshouri, reportedly called on the judiciary to hold an inquiry on the defamatory remarks made against Ms. Alinejad.

92. Women continue to be banned from watching sporting events in stadiums, and several female athletes have been restricted from participation in international tournaments either by State sporting agencies or by their husbands. In March, a number of Iranian female billiard players were banned from competitions, allegedly for "violating the Islamic code of conduct". In April, female participants in an international marathon held in Tehran were required to run separately from men and on a shortened route. In June, hundreds of women were eventually allowed to watch an FIVB World Volleyball League match between the Islamic Republic of Iran and Belgium, the first time since 2012 that women had been permitted to watch such a match.[60] Article 89 of the Charter on Citizens' Rights provides that women have the right to access sport, educational and safe recreational facilities, and to attend national and world sport arenas, while preserving Islamic-Iranian culture.

B. Ethnic and religious minorities

93. Since the issuance of the Special Rapporteur's first report, members of the Baha'i community have continued to suffer multiple violations of their human rights. Despite the fact that they have been documented for years, these violations continue unabated and with full impunity, as shown by the release of the murderer of a Baha'i referred to above. Over 90 Baha'is were in detention in prison as of June.

94. In April, the Working Group on Arbitrary Detention ruled that the detention of 24 members of the Baha'i community was arbitrary and concluded that they had been arrested and detained in violation of their right to freedom of religion.[61]

95. In line with the directives issued in 1991 by the Supreme Council of the Cultural Revolution on the "Baha'i question",[62] thousands of Baha'is have been expelled from their jobs, with their pensions having been terminated, and have been banned from employment in the public sector. Companies are pressured to dismiss Baha'i employees, banks are forced to block the accounts of Baha'i clients, and Baha'i business licences are either not issued, not extended or deliberately

[56] See www.tasnimnews.com/fa/news/1396/03/08/1422229/فساد-بدون-روزهای-ملولم-دد-و-دیو-از-آرزوست-اقتصادی.

[57] See http://nytlive.nytimes.com/womenintheworld/2017/06/12/my-stealthy-freedom-founder-the-target-of-ugly-smear-campaign-on-social-media/.

[58] See www.aparat.com/v/NxnWJ/انگلیس در نژاد علی مسیح به تجاوز.

[59] See www.ilna.ir/بخش-سایر-رسانه-ها-و-اکنش-10/497141-سخنان-به-امام-جمعه-جمعه-امام-ساوه-عذرخواهی کند.

[60] It is unfortunate that granting women such a basic right should be acknowledged with such relief.

[61] See www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_9.pdf.

[62] See http://news.bahai.org/human-rights/iran/yaran-special-report/feature-articles/the-1991-memorandum-on-the-bahai-question/.

delayed.[63] In April, 18 shops owned by Baha'is were sealed for being temporarily closed on a Baha'i holy day.[64]

96. Baha'is continue to be denied their right to higher education, either by being banned from entering universities or by being expelled without a proper explanation. At least 15 Baha'i students were expelled from Iranian universities between December 2016 and January 2017, with at least another 6 being expelled between January and May.[65]

97. Adherents of recognized religions also continue to face severe restrictions and discrimination, and are reportedly prosecuted for peacefully manifesting their religious beliefs.

98. Sunni Muslims in the Islamic Republic of Iran continue to assert that Iranian authorities do not appoint members of their communities to or employ them in high-ranking government positions, including Cabinet-level ministerial positions. Other Muslims belonging to various minority religious groups, such as the Nematollahi Gonabadi order and Yarsan, reportedly continue to face a range of human rights violations, including attacks on their places of worship, the destruction of community cemeteries and the arrest and torture of their community leaders. During the reporting period, several university students and professors who are followers of the Gonabadi dervishes were banned from various universities. Others were reportedly victims of attacks carried out by security forces and subjected to threats by the intelligence unit of the Revolutionary Guards.

99. In January, an appeals court in Tehran upheld a five-year prison sentence against the Christian convert Ebrahim Firoozi for alleged missionary activities.[66] In February, the Iranian Catholic converts Anoohe Rezabakhsh and her son Sohail (Augustin) Zargarzadeh were arrested in their home by the Islamic Revolutionary Guard Corps in Oroumiyeh, West Azerbaijan Province.[67]

100. The Special Rapporteur received detailed information about the reported persecution of the Arab ethnic minority in the Islamic Republic of Iran known as the Ahwazi Arabs, which included allegations of a change in the ethnic composition of the region through the confiscation of land and the establishment of settlements. Information about 45 cases involving the arrest and detention of Ahwazi Arabs was transmitted during the reporting period. Most of the cases seem to have taken place after participation in cultural and traditional events or protests against environmental degradation. Ali Kaab Omeir, 17 years old, was reportedly arrested in February in the Keyan Abbad neighbourhood of Ahwaz, Khuzestan Province, and remains detained incommunicado for his participation in a protest against a policy aimed at diverting water from Ahwaz to other provinces. In May, three Arab ethnic rights activists, Issa Damni, Mojahed Zargani and Hossein Heydar, were sentenced to a year in prison by branch 4 of the revolutionary court in Ahwaz for organizing Arabic-language classes and promoting ethnic rights.[68]

101. Article 101 of the Charter on Citizens' Rights recognizes the right of citizens to learn, use and teach their own local language and dialect. Notwithstanding that fact, in February four Azeri activists, Alireza Farshi, Akbar Azad, Behnam Sheikhi and Hamid Manafi, were given long prison sentences for peacefully advocating the

[63] See http://news.bahai.org/story/1119/.
[64] See www.bic.org/focus-areas/situation-iranian-bahais/current-situation.
[65] See http://acenebahai.org/fa/node/3306 (in Persian).
[66] See www.mei.edu/content/io/authorities-iran-intensify-crackdown-christian-converts.
[67] See www.iranhumanrights.org/2017/03/iranian-catholic-converts-arrested-in-northwestern-iran/.
[68] See www.gamac.info/fa/1396/03/09.

teaching of their mother tongues in local schools, having been charged with "forming an illegal group" and "assembly and collusion against national security".

102. In March, the ethnic Azeri activist Abbas Lesani was tried on charges of "acting against national security" and "propaganda against the State" for advocating State recognition of his mother tongue and making a speech at a friend's wedding in which he called for an end to discrimination against Azeris in the Islamic Republic of Iran.[69] During the same month, authorities also re-arrested another Azeri activist, Morteza Moradpour, who had been released after a prolonged hunger strike.

103. During the first five months of 2017, Iranian border security forces killed 30 Kurdish *kulbars* (border couriers) and injured 60 others. In January, a Kurdish citizen, Hayadat Abadullahpur, was sentenced to death for alleged cooperation with the Democratic Party of Iranian Kurdistan. Six others received long sentences on the same charges. At the end of June, a group of Kurdish *kulbars* were attacked by Iranian border guards; two of them were shot dead or wounded in the "Wargenem" area, on the border between Orumiyeh and Turkey, as a result of direct shootings of guards.[70]

104. The Special Rapporteur was encouraged by the promise made by President Rouhani during his campaign to promote equal rights for all Iranians. "Our path is the path of peaceful coexistence with all ethnicities in the country," said President Rouhani while discussing minority rights during a campaign rally on 18 May 2017.[71] The Special Rapporteur looks forward to seeing those declarations followed up with effective measures to put an end to the human rights violations suffered by members of all ethnic and religious minorities in the Islamic Republic of Iran.

V. Conclusions and recommendations

105. **Several notable developments have taken place in the Islamic Republic of Iran since the Special Rapporteur took up her mandate, including the adoption of the Charter on Citizens' Rights and the announcement that an implementation body of the Charter would be established, the recent progress made at the Parliament level to reform the Anti-Narcotics Law and the strong stances in favour of human rights made by President Rouhani. Those positive signs must give rise to hope that the human rights situation in the country might improve. However, so far violations of human rights have continued in many areas and on a wide scale.**

106. **Since her appointment, the Special Rapporteur has been contacted by a large number of Iranians both outside and inside the country. She continues to be extremely disturbed by the level of fear of those who have tried to communicate with her. She notes that interlocutors living outside the country have expressed fear, mainly of possible reprisal against their family members living in the Islamic Republic of Iran.**

107. **The Special Rapporteur remains deeply concerned about the alarming level of executions, including of juveniles, in the country. She reiterates her call on the Government to immediately and unconditionally abolish the sentencing of children to death and to engage in a comprehensive process of commutation of all death sentences issued against children, in line with juvenile justice**

[69] See www.iranhumanrights.org/2017/04/iranian-azeri-rights-activist-on-trial-for-advocating-mother-language/.

[70] See http://kurdistanhumanrights.net/en/two-kurdish-kolbars-shot-dead-wounded-iranian-border-guards-orumiyeh/.

[71] See https://twitter.com/IranNewspaper/status/861499681481912320.

standards. The Special Rapporteur also reiterates her calls to establish a moratorium on the use of the death penalty, to replace the death penalty for drug-related offences with penalties that comply with relevant international standards, and to end the practice of public executions.

108. Punishments such as flogging, blinding, amputation and stoning, which violate the absolute prohibition of torture and other forms of ill-treatment, continue to be implemented. Major overcrowding in Iranian jails, unhygienic detention facilities, lack of proper medical care, torture and ill-treatment by prison officials, and solitary confinement continue to be daily realities for thousands of prisoners in the Islamic Republic of Iran. Despite the fact that it has been documented for years, the pattern of denial of medical treatment to certain categories of detainees, especially prisoners of conscience, has not led to any investigations, let alone sanctions. At the time of reporting, many prisoners were still at risk of dying as a result of this inhuman practice. The Special Rapporteur urges the Government to abolish any provision that authorizes any form of cruel, inhuman or degrading treatment or punishment, to address as a matter of priority the state of despair in its prisons and to investigate all allegations of torture and ill-treatment and hold accountable those found guilty.

109. Over the years, a high number of reports have been issued about the 1998 massacres. If the number of persons who disappeared and were executed can be disputed, overwhelming evidence shows that thousands of persons were summarily killed. Recently, these killings have been acknowledged by some at the highest levels of the State. The families of the victims have a right to know the truth about these events and the fate of their loved ones without risking reprisal. They have the right to a remedy, which includes the right to an effective investigation of the facts and public disclosure of the truth; and the right to reparation. The Special Rapporteur therefore calls on the Government to ensure that a thorough and independent investigation into these events is carried out.

110. A significant deterioration in the situation of persons exercising their right to freedom of opinion and expression or carrying out their activities as human rights defenders was observed in the lead-up to the May elections, with a high number of arrests and detentions of journalists, political activists, human rights defenders, including trade unionists, and representatives of ethnic and religious minorities. The intelligence and security apparatus played a critical role in this crackdown and in reprisals against family members of those expressing peaceful dissent. Rights-related activities in all fields continue to incur vague national security charges. This has resulted in large-scale arbitrary arrests and detentions. The reports that are received by the Special Rapporteur are numerous, and these, too, are the tip of the iceberg. Furthermore, the Special Rapporteur submits only a fraction of the reports received by her, ensuring their absolute verification. The lack of independence of the judicial system, in particular the revolutionary courts, is alarming. Those arrested owing to their political or other beliefs or those who challenge the authorities are not granted a fair trial or due process — even the elements thereof that are available under Iranian laws. Revolutionary courts are viewed not as a forum for granting justice, but as an extension of the coercive executive branch of the Government that operates to control all criticism or independent actions for securing rights.

111. The Special Rapporteur urges the Government, in line with its international obligations, to immediately release all detainees who have been imprisoned for exercising their right to freedom of opinion, expression and peaceful assembly and to quash the prison sentences that have been handed

down against others for similar reasons. State entities that organize crackdowns on peaceful dissent should be identified and held accountable in order to prevent a recurrence of such violations. The Government should also take strict measures to ensure that the security and intelligence apparatus stops using reprisals against the families of those who monitor or campaign against human rights violations or express views that are contrary to government policies.

112. In order to improve the human rights record in the Islamic Republic of Iran, the Government will have to reform the judicial system with a view to ensuring its independence. Appropriate training for the members of the judiciary is also necessary to ensure that guarantees of a fair trial and due process are effectively respected.

113. The Special Rapporteur reiterates her call on the Government to uphold the integrity of judges, prosecutors and lawyers, notably by ensuring that appointments of judges are transparent and based on merit and by protecting them, their families and their professional associates against all forms of violence, threats, retaliation, intimidation and harassment as a result of discharging their functions.

114. Bar associations and bar councils should be strengthened so that they are self-regulatory and function independently. That would enable them to regulate the profession without discrimination and to develop tools to protect its members from being persecuted for their independent professional decisions or views.

115. Limited measures have been taken to eliminate the numerous legal provisions that discriminate against women and render them secondary citizens who have to be managed and monitored at every level — by the State, by society and by the male members of the family. The Special Rapporteur is also concerned about the continuous repression of women's rights activists, including smear campaigns against women opposing the compulsory dress code imposed on Iranian women.

116. The Special Rapporteur calls on the Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women, to repeal all laws that discriminate against women and girls and to ensure that any bill still before Parliament that would further undermine the empowerment of women is dropped. She urges the Government to ensure the freedom of movement of women and girls and guarantee their right to physical education, physical activity and sport. Laws imposing dress codes on women should be reviewed, and the Government should respect the right of anyone to privacy and ensure that security forces refrain from acting as moral guardians of the citizens.

117. The situation of recognized and unrecognized religious minorities remains a matter of serious concern. Baha'is continue to be systematically discriminated against and targeted, and efforts are afoot to systematically deprive them of the right to a livelihood. The Special Rapporteur urges the authorities to recognize that freedom of religion or belief entails the freedom to choose a religion or belief, and that measures restricting eligibility for civil, political, social or economic privileges, or imposing special restrictions on the practice of other faiths, violate the prohibition of discrimination based on religion or belief and the guarantee of equal protection under article 26 of the International Covenant on Civil and Political Rights.

118. The Special Rapporteur is disturbed by the number of detailed reports that she has received from members of ethnic minority communities regarding

arbitrary arrests, detentions, torture and prosecution for activities that promote social, economic, cultural and linguistic rights. The Special Rapporteur urges the authorities to recognize that dialogue and the inclusive participation of all the citizens in a diverse society can form the basis for enduring initiatives that address poverty and development, and can also serve to strengthen protections for the rights of all ethnic minorities in the country. She further encourages authorities to ensure that the rights of the members of the most vulnerable communities of the Islamic Republic of Iran are protected and respected.

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Seventy-second session
Item 73 (c) of the provisional agenda*
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

Corrigendum

1. Paragraph 35

The first sentence *should read*

Mr. Sadeghi, who has been kept in section 350 of Evin Prison, is currently reported to be in critical condition because of his prolonged hunger strike and the fact that he has been denied medical assistance.

2. Paragraph 109

The first sentence *should read*

Over the years, a high number of reports have been issued about the 1988 massacres.

* A/72/150.

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Please recycle

United Nations A/72/323

General Assembly

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Seventy-second session
Item 71 (b) of the provisional agenda*
Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Programme of activities for the implementation of the International Decade for People of African Descent

Report of the Secretary-General

Summary

The programme of activities for the implementation of the International Decade for People of African Descent gives great importance to the promotion and protection of the rights of women of African descent. In this context, the present report provides an overview of the enjoyment of human rights by women and girls of African descent, drawing from the work of international human rights mechanisms. The report is also informed by responses from key stakeholders to a questionnaire circulated by the Office of the United Nations High Commissioner for Human Rights.

Women and girls of African descent face intersecting and multiple forms of discrimination, including based on race/ethnicity, sex, gender, nationality, migration status and/or other social status. The present report focuses on women who belong to communities descended from victims of the transatlantic slave trade and migrant African women in the diaspora.

The report contains an analysis of the findings of international human rights mechanisms in select areas, in order to illustrate how discrimination against women and girls of African descent is manifested. The areas selected, based on the Programme of Activities for the International Decade, are poverty, education, health, employment, administration of justice, political participation, gender-based violence and stereotypes. Throughout the report, good practices for the realization of the rights of women and girls of African descent are highlighted. The report also contains recommendations for the improvement of the human rights situation of women and girls of African descent.

* A/72/150.

17-13935 (E) 290817

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/16, by which the Assembly adopted the programme of activities for the implementation of the International Decade for People of African Descent. It presents an overview of the enjoyment of human rights by women and girls of African descent, drawing on the work of international human rights mechanisms. The report is also informed by responses from key stakeholders to a questionnaire circulated by the Office of the United Nations High Commissioner for Human Rights (OHCHR).[1]

2. Particular attention is given to the human rights situation of women and girls of African descent in the programme of activities, where it is stated that States should adopt and implement policies and programmes that provide effective protection for, and review and repeal all policies and laws that could discriminate against, people of African descent facing multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth, disability or other status. It is also stated that States should mainstream a gender perspective when designing and monitoring public policies taking into account the specific needs and realities of women and girls of African descent, including in the area of sexual and reproductive health and reproductive rights.

3. Women of African descent continue to face disproportionately high rates of poverty and barriers in access to education, health services and political participation. Human rights mechanisms have expressed concern at the unequal and discriminatory treatment of women of African descent within the justice system and noted that they are particularly vulnerable to gender-based violence.[2] While the present report presents illustrative examples of the human rights implications of such disparities, addressing discrimination against women of African descent requires more systematic monitoring as well as greater efforts to collect disaggregated data.

[1] On 27 March 2017, OHCHR circulated a questionnaire addressed to all relevant stakeholders requesting information for the present report. As at 7 June 2017, information had been received from 9 States (Argentina, Colombia, Cuba, Greece, Italy, Morocco, Mexico, the Netherlands and Peru) and 10 national human rights institutions (Afghanistan Independent Human Rights Commission, National Human Rights Commission of Argentina, National Human Rights Commission of Honduras, National Human Rights Commission of India, National Human Rights Commission of Mexico, Netherlands Institute of Human Rights, Office of the Ombudsman of the Plurinational State of Bolivia, Office of the Ombudsman of Colombia, Office of the Ombudsman of Ecuador, Office of the Ombudsman of Peru). Submissions were also received from six civil society organizations (Dominican-Haitian Meeting Network, Tula Museum Foundation, International Dalit Movement, Peruvian Institute of Agrarian Action, Movement for Peace and Sociocultural Movement for Haitian Workers), as well as from the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights, the United Nations country teams in Brazil and Paraguay and the Department of Public Information of the United Nations Secretariat.

[2] See the report of the Working Group of Experts on People of African Descent on its mission to Panama (14-18 January 2013) (A/HRC/24/52/Add.2, annex) and on its mission to Brazil (4-14 December 2012) (A/HRC/27/68/Add.1, annex).

Human rights of women of African descent and intersectionality

4. International and regional human rights mechanisms have recognized that women and girls of African descent experience discrimination in multiple and intersecting ways.

5. In 2000, the Committee on the Elimination of Racial Discrimination adopted its general recommendation No. 25 on gender-related dimensions of racial discrimination, in which it recognized that there were circumstances in which racial discrimination only or primarily affected women, or affected women in a different way, or to a different degree than men and noted that such racial discrimination would often escape detection if there were no explicit recognition or acknowledgement of the different life experiences of women and men, in areas of both public and private life (CERD/C/GC/25, para. 1). In 2011, the Committee adopted its general recommendation No. 34 on racial discrimination against people of African descent, highlighting the gender-related dimensions of racial discrimination and calling for States parties to the Convention on the Elimination of Racial Discrimination to take into account, in all programmes and projects, the situation of women of African descent and for all reports to the Committee to include information on the measures taken to address racial discrimination against women of African descent (CERD/C/GC/34, paras. 23 and 24).

6. Similarly, the Committee on the Elimination of Discrimination against Women has addressed intersectional discrimination and its impact on women's enjoyment of their human rights.[3]

7. In the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, participants recognized multiple discrimination and requested States to increase public actions and policies in favour of women of African descent, given that racism affected them more deeply, placing them in a more marginalized and disadvantaged situation.[4]

8. The Working Group of Experts on People of African Descent has often addressed the intersectional discrimination faced by women and girls of African descent in its country visits[5] and has discussed this issue in several public sessions and thematic reports.

9. At the regional level, the Inter-American Commission of Women in its Declaration of Lima on Equality and Autonomy in the Exercise of Women's Rights recognized the particular inequality that Afro-descendant and indigenous women face in exercising their rights.[6] The Organization of American States Rapporteur on the Rights of Women has paid particular attention to the human rights situations of indigenous women and women of African descent in the Americas through country visits and thematic reports.[7]

[3] See, for example, CEDAW/C/GC/35, paras. 12 and 38 (b); CEDAW/C/GC/34, paras. 14 and 15; and CEDAW/C/GC/33, paras. 8 and 10.

[4] See A/CONF.189/12 and Corr.1, chap. I, para. 9 A.

[5] See, for example, A/HRC/33/61/Add.2, A/HRC/30/56/Add.2, A/HRC/30/56/Add.1, and A/HRC/27/68/Add.1.

[6] See Inter-American Commission of Women, document OEA/Ser.L/II.2.67.

[7] See http://www.oas.org/en/iachr/women.

II. Achievements and challenges with respect to the human rights of women of African descent

10. The sections below contain an overview of the enjoyment of human rights by women and girls of African descent, drawing from the work of international human rights mechanisms and focusing on select thematic areas.

A. Poverty

11. The Beijing Platform for Action highlights the relationship between poverty and gender inequality in all areas of women's lives, noting that:

> Women's poverty is directly related to the absence of economic opportunities and autonomy, lack of access to economic resources, including credit, land ownership and inheritance, lack of access to education and support services and their minimal participation in the decision-making process. Poverty can also force women into situations in which they are vulnerable to sexual exploitation.[6]

12. In the guiding principles on extreme poverty and human rights, the Special Rapporteur on the issue explicitly recognized that discrimination and exclusion were among the major causes and consequences of poverty, including based on race (see A/HRC/21/39, para. 8). She also explained that "women are disproportionately represented among the poor owing to the multifaceted and cumulative forms of discrimination that they endure. States are obliged to eliminate both de jure and de facto discrimination against women and put in place measures to achieve equality between men and women" (ibid., para. 23). The Working Group on the issue of discrimination against women in law and in practice has also highlighted that women live in poverty disproportionately, in particular women from minority communities (see A/HRC/26/39, paras. 24 and 25).

13. In the case of Latin America, the observations and findings of human rights mechanisms confirm that the rate of poverty is disproportionately high for women, but that, for women of African descent, it is even higher.[7] In its report on its mission to the United States of America, the Working Group of Experts on People of African Descent pointed out that, in the United States, 37 per cent of households headed by African-American women live below the poverty line (see A/HRC/33/61/Add.2, para. 56). In her report on her mission to the United Kingdom of Great Britain and Northern Ireland, the Special Rapporteur on violence against women, its causes and consequences, highlighted that women of African descent and migrant African women in the diaspora are more likely to depend on State benefits and thus have been particularly affected by cuts to public and social services (see A/HRC/29/27/Add.2, para. 93).

14. Government and intergovernmental programmes have increasingly taken a gendered approach to poverty reduction; however, very few countries have taken an intersectional approach, taking into account gender and race and ethnicity, to poverty reduction strategies.

[6] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II, para. 51.

[7] See Inter-American Commission on Human Rights, document OAS/Ser.L/V/II. Doc. 62, para. 63.

Box 1

Ecuador: national plan for good living, 2013-2017

In Ecuador, the Government adopted a national plan for good living, 2013-2017. Objective 2 of the plan establishes the need to encourage equality, cohesion, inclusion and social and territorial equity in diversity. To that end, the Government has committed to developing and implementing an intersectoral strategy for the eradication of poverty and the closing of inequality gaps, with emphasis on guaranteeing rights, gender, intergenerational and intercultural equity, access to assets and means of production, and generation of capabilities.

B. Education

15. The right to education, including its equal enjoyment by every girl, is universally recognized and guaranteed in many international and regional legal instruments.[10] It consists of four essential and interrelated principles — availability, accessibility, acceptability and adaptability — which duty-bearers have the obligation to respect, protect and fulfil (see A/HRC/35/11, para. 5).

16. Education is an enabling right, which fosters the realization of all other human rights, and one of the key tools through which communities facing marginalization, such as people of African descent, are able to overcome poverty and access other fundamental human rights (see E/C.12/1999/10, para. 1). Education is also central to the elimination of discrimination against women (see A/HRC/26/39, para. 33).

17. Human rights mechanisms have expressed concerns about the high numbers of women and girls facing marginalization who have been prevented from accessing education. For example, the Committee on the Elimination of Discrimination against Women, in its concluding observations on the combined eighth and ninth periodic reports of Canada, considered in 2016, expressed concern that indigenous and Afro-Canadian women and girls had lower educational and academic achievements and were more likely to drop out. With respect to Honduras, the Committee highlighted the fact that illiteracy rates and secondary school drop-out rates for girls of African descent in rural contexts were disproportionately high, often due to poverty, early pregnancy, early marriage and child labour (see CEDAW/C/HND/CO/7-8, para. 32). In its concluding observations on Ecuador, the Committee noted the limited access to education and the poor quality of education in rural contexts, which limited the number of women of African descent who would go on to access higher education (see CEDAW/C/ECU/CO/8-9, para. (a)).

[10] See, for example, the International Covenant on Economic, Social and Cultural Rights, art. 13 (2); the Convention on the Elimination of All Forms of Discrimination against Women, arts. 10, 14 and 16; the Convention on the Rights of the Child, arts. 28 and 29; the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education and its recommendation against discrimination in education; the African Charter on Human and Peoples' Rights, art. 17; the Arab Charter on Human Rights, art. 34; the Council of Europe Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, art. 2; and the American Declaration of the Rights and Duties of Man, arts. XII and XXXI.

18. The Working Group on the issue of discrimination against women in law and in practice drew attention to the fact that in Peru, while the national illiteracy rate had fallen, 8.6 per cent of illiterate persons in the country were Afro-Peruvian. They also noted the disparity in the illiteracy rate for Afro-Peruvian women, which was 6.7 per cent higher than that for Afro-Peruvian men (see A/HRC/29/40/Add.2). In Panama, a similar situation was observed by the Working of Experts on People of African Descent, which expressed concern that a large number of girls dropped out of school as a result of early pregnancy. This problem affected indigenous and Afro-Panamanian girls in particular. Although there exists a legal provision in Panama stipulating that girls should remain in education during and after pregnancy (Act No. 29 of 2002), the Working Group pointed out that there was no effective mechanism in place to ensure compliance with the Act (see A/HRC/24/52/Add.2, para. 49).

19. The factors contributing to the educational inequality of girls of African descent are related to discrimination based on sex. In many countries, parents prefer to invest in their sons' education, while daughters are often expected to stay at home to help run the household and look after younger brothers and sisters. Early marriage is another factor contributing to girls being taken out of school. Girls who do have access to education may face barriers to achievement, owing to a combination of factors, such as poverty, language and accessibility of educational centres.

20. Racism is another underlying factor in educational inequality. Educational materials often are gender-biased and contain racial stereotypes, contributing to the low quality of the educational experiences of women and girls of African descent. In many contexts, school curricula are not culturally relevant and fail to include the histories and contributions of Africans and people of African descent to the development of the nation's culture.[11] In this regard, the Committee on the Elimination of Racial Discrimination, in its general recommendation No. 34 on racial discrimination against people of African descent, requested States to review the language in textbooks to remove negative stereotypes of people of African descent (see CERD/C/GC/34, para. 61).

21. Several human rights mechanisms have urged States to adopt special measures to ensure access to education for marginalized groups. The Committee on Economic, Social and Cultural Rights, in its general comment No. 13 on the right to education, asserted that "the adoption of temporary special measures intended to bring about de facto equality for men and women and for disadvantaged groups is not a violation of the right to non-discrimination with regard to education" (see E/C.12/1999/10, para. 32). In its general recommendation 34, the Committee on the Elimination of Racial Discrimination called on States to "consider adopting special measures aimed at promoting the education of all students of African descent, guarantee equitable access to higher education for people of African descent and facilitate professional educational careers" (CERD/C/GC/34, para. 64).

22. The United Nations High Commissioner for Human Rights has called upon States to address the "multiple and intersecting forms of discrimination that girls may face and provide quality, inclusive education that is accessible to all girls, with particular attention to those in the most vulnerable and marginalized situations" (see A/HRC/35/11, para. 55).

[11] See Inter-American Commission on Human Rights, document OAS/Ser.L/V/II. Doc.62, para. 112.

23. In this vein, a number of countries have adopted special measures in the field of education to ensure access to and permanence in education for groups facing discrimination, including women and people of African descent.

Box 2
Peru: national development plan for the Afro-descendant population

In Peru, the national development plan for the Afro-descendant population contains a series of strategic actions in various areas. Of particular relevance are the following actions:

(a) Education campaigns against ethnic and racial discrimination;

(b) Prevention and care actions in educational institutions;

(c) Affirmative measures in the educational field to ensure equality for men and women as well as the recruitment of Afro-Peruvians in the public sector.

Box 3
Fellowship for people of African descent

Every year, the Office of the United Nations High Commissioner for Human Rights hosts a fellowship for people of African descent, which provides participants with a learning opportunity to deepen their understanding of the United Nations human rights system, with a focus on issues of particular relevance to people of African descent. Particular attention is paid to the participation of women of African descent. In 2017, when the programme was devoted to women of African descent, 11 women took part in it.

C. Health

24. The right to health must be guaranteed to everyone without discrimination, as provided in the International Covenant on Economic, Social and Cultural Rights (arts. 2(2) and 12) and the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5(e)(iv)). States have a duty both to refrain from discriminating against particular groups in the provision of health services and to take special measures to ensure that groups that have been historically marginalized and discriminated against have access to the health-care services they require.

25. In the Beijing Platform for Action, participants in the Fourth World Conference on Women recognized the interrelated factors contributing to disparities in the right to health for women, asserting that "the prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, racial and other forms of discrimination, the limited power many women have over their sexual and reproductive lives and lack of influence in decision-making are social realities which have an adverse impact on their health".[12]

[12] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II, para. 92.

26. Human rights mechanisms have drawn attention to instances in which women of African descent and migrant African women in the diaspora suffer disproportionately from the non-realization of their right to health, resulting in discriminatory patterns of ill health. The Working Group on the issue of discrimination against women in law and in practice expressed concern about the fact that in the United States there was no system of universal health insurance. This has had a disproportionate impact on African American and Hispanic women, who are as a consequence unable to access basic preventive care and treatments (see A/HRC/32/44/Add.2, para. 61).

27. Intersectional discrimination against women of African descent is particularly concerning in the area of sexual and reproductive health. Afro-Brazilian women, for instance, are three times more likely to die in childbirth than white women, owing in part to low-quality prenatal care (see A/HRC/27/68/Add.1, para. 86). In Honduras, high rates of HIV infection and the stigmatization of women living with HIV/AIDS particularly affect women of African descent (see CEDAW/C/HND/CO/7-8, para. 38).

28. The exclusion of women of African descent and migrant African women in the diaspora from quality sexual and reproductive health services is due to a combination of structurally discriminatory factors, such as poverty, the low availability of quality health services and a lack of culturally acceptable health services, as well as direct discrimination, stigmatization and racism within health facilities.[15]

29. Recognizing that the vast majority of maternal deaths were preventable in Brazil, the Working Group of Experts on People of African Descent explained that:

> The root causes of high maternal mortality rates include socioeconomic, regional, gender and racial disparities in health care. Maternal mortality is disproportionately high in the north and north-east of Brazil, as high as 73 per 1000 due to inequality in health-care provision. According to the Ministry of Health, Afro-Brazilian women are 50 per cent more likely to die of obstetric-related causes than white women. They receive lower quality health-care services, including less prenatal visits, and less information is provided (see A/HRC/27/68/Add.1, para. 86).

30. In Peru, a report published by the Office of the Ombudsman showed high rates of racist abuse and insults experienced by women of African descent when accessing health services. In all, 54.5 per cent of Afro-Peruvians reported that they had experienced discrimination and verbal abuse in public, with Afro-Peruvian women being the group most affected (see A/HRC/40/Add.2).

[15] See, for example, A/HRC/27/68/Add.1, para. 86; and A/HRC/33/61/Add.2, paras. 43, 48 and 56.

Box 4
Case of *Pimentel v. Brazil*

In 2002, Alyne da Silva Pimentel, a 28-year-old Afro-Brazilian woman, died from maternal health-related causes after her local health centre misdiagnosed her symptoms and delayed providing her with emergency obstetric care. In 2007, her mother submitted an individual complaint before the Committee on the Elimination of Discrimination Against Women, arguing that national authorities had made no effort to establish professional responsibility and that she had been unable to obtain justice in Brazil.

In August 2011, in *Pimentel v. Brazil*, the Committee noted that States have a human rights obligation to guarantee women of all racial and economic backgrounds timely and non-discriminatory access to appropriate maternal health services. The Committee found violations of the right to health care and failure to ensure effective judicial protection in the context of non-discrimination. The Committee concluded that Alyne da Silva Pimentel was discriminated against, not only on the basis of her sex, but also on the basis of her status as a woman of African descent and her socioeconomic background.[a]

The *Pimentel v. Brazil* case was the first case on maternal mortality to be decided by an international human rights body. It has global significance in advancing the reproductive rights and maternal health care of millions of women throughout the world, particularly those women facing racial discrimination.

[a] See CEDAW/C/49/D/17/2008.

D. Employment

31. The right to work without discrimination is enshrined in articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights. Further explanation of the content of this right is offered in general comment No. 23 of the Committee on Economic, Social and Cultural Rights, in which it is emphasized that the right to work belongs to all workers in all settings, regardless of gender, including workers from ethnic and other minorities (see E/C.12/GC/23, para. 5). International labour standards also protect particular aspects of the right to work as it relates to gender equality, including the Equal Remuneration Convention, 1951; the Discrimination (Employment and Occupation) Convention, 1958; the Workers with Family Responsibilities Convention, 1981; and the Maternity Protection Convention, 1952.[14]

32. Human rights mechanisms have highlighted that women of African descent and migrant African women in the diaspora face discrimination in the field of employment, affecting their enjoyment of the right to work. For instance, the Committee on the Elimination of Discrimination against Women noted with concern that women of African descent faced limited access to labour markets and, as a result, elevated rates of unemployment in Canada (see CEDAW/C/CAN/CO/8-9, para. 38). With respect to Ecuador, the Working Group of Experts on People of African Descent noted that 50 per cent of women of African descent who are employed engage in unstable, informal jobs (see A/HRC/13/59, para. 35). The Working Group also expressed concern about Brazil and Panama, where women of African descent are disproportionately represented among domestic workers (see A/HRC/27/68/Add.1, para. 84, and A/HRC/24/52/Add.2, para. 39). The Special

[14] See http://www.ilo.org/gender/Aboutus/ILOandGenderEquality/lang--en/index.htm.

Rapporteur on violence against women, its causes and consequences highlighted that, in the United Kingdom, black and minority ethnic women were overrepresented in part-time jobs, temporary work and self-employment and often worked in low-wage, feminized sectors of the economy (see A/HRC/29/27, para. 53).

33. Owing to a combination of overrepresentation in informal work, low education and racial and gender-based discrimination, women of African descent often earn less than other groups. For example, the Working Group on people of African Descent noted that in Brazil, women of African descent earned significantly less than both men of African descent and white men and women (see A/HRC/27/68/Add.2, para. 83). Similarly, the Working Group on the issue of discrimination against women in law and in practice expressed concern about the persistent wage gap in the United States based on both gender and ethnicity (see A/HRC/32/44/Add.2, para. 52).

E. Administration of justice and conditions of detention

34. Recognizing the prevalence of racial discrimination within justice systems, the Committee on the Elimination of All Forms of Racial Discrimination, in its general recommendation No. 34, calls on States to "take measures to prevent the use of illegal force, torture, inhuman or degrading treatment or discrimination by the police or other law enforcement agencies and officials against people of African descent, especially in connection with arrest and detention, and ensure that people of African descent are not victims of practices of racial or ethnic profiling" (see CERD/C/GC/34, para. 39). Furthermore, in the Durban Declaration and Programme of Action, States were encouraged "to identify factors which prevent equal access to, and the equitable presence of, people of African descent at all levels of the public sector ... and in particular the administration of justice".[15]

35. The issue of racial violence and discrimination within the justice system, including racial profiling and violence by the police predominantly against men of African descent, has received growing attention in recent years. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has reported that police forces have been implicated in many hate crimes, either as perpetrators or in their complicity with such crimes following failures to properly respond to allegations of hate crime. This includes police involvement in crimes of sexual and gender-based violence against women of African descent, which often go unreported or are not thoroughly investigated (see A/HRC/29/47, para. 12).

36. In 2011, the Special Rapporteur on violence against women, during her country visit to the United States of America, found that African-American women represented 30 per cent of all women incarcerated under state or federal jurisdiction (see A/HRC/17/26/Add.5, para. 46). More recently, in 2016, the Working Group on the issue of discrimination against women in law and in practice found that the figure had dropped to 21 per cent of the imprisoned female population, but that the incarceration rate for African-American women was still more than twice that of white women (see A/HRC/33/61/Add.2, para. 29). The Working Group found that not only were women of African descent more likely to be imprisoned, but that there was an increasing number of homicides of African-American women by the police (see A/HRC/32/44/Add.2, para. 78).

37. In Panama, the Working Group of Experts on People of African Descent found that women of African descent were overrepresented in prisons and most were

[15] See A/CONF.189/12 and Corr.1, chap. I, Programme of Action, para. 11.

sentenced either for drug offences, often committed unwillingly or unwittingly, or petty street crime. In that context, the Working Group also expressed concern about sexual abuse, harassment and rape faced by women of African descent in prison (see A/HRC/24/52/Add.2, para. 76). The Committee on the Elimination of Discrimination against Women has also expressed concern that in the United Kingdom, women are more likely than men to be incarcerated for non-violent offences and black and minority ethnic women are overrepresented among the female prison population (see CEDAW/C/GBR/CO/7, para. 54).

38. The overrepresentation of women of African descent within the criminal justice system is due to a combination of underlying factors, including structural racism and racial profiling, poverty and lack of educational and employment opportunities. The Special Rapporteur on violence against women, its causes and consequences found that, in the United Kingdom, black and minority ethnic women in prisons were more likely to have been part of the State care system. Furthermore, she observed that black and women of minority background were more likely to be living in a deprived area, more likely to be subject to poverty and more likely to find it harder to access educational opportunities (see A/HRC/29/27/Add.2, para. 30).

39. Women of African descent and migrant African women in the diaspora also lack access to justice when they are victims of crime. This is due to a number of interrelated obstacles, including insufficient resources, poor infrastructure and lack of specialized units and staff trained on gender issues, among others. For example, in the United Kingdom, the Special Rapporteur found that:

> Regarding the police response to domestic violence, interviewees reported a pattern of continued scepticism, indifference and lack of empathy towards women, particularly women from black and minority ethnic communities. Effective action is rare, even when injuries from physical assaults are visible, and is virtually non-existent in cases of coercive control involving emotional, sexual and financial abuse (ibid., para. 96).

40. The failure to receive an adequate response from the justice system in cases of violence and abuse means that women of African descent are often reluctant to report incidents. For instance, the Special Rapporteur found, in cases of intimate partner violence in the United States, that:

> The reluctance to reach out to the police is even more entrenched among minority and immigrant communities, as they may view the police and the courts as oppressive, rather than protective institutions. For example, during interviews with survivors and advocates the Special Rapporteur heard accounts of disproportionate arrests of women of colour following incidents of intimate partner violence. For instance, stereotypes about African-American women as being "more aggressive" sometimes lead to police officers not adequately differentiating between victim and perpetrator when intervening in such cases (see A/HRC/17/26/Add.5, para. 14).

41. In its general recommendation No. 33 on women's access to justice (see CEDAW/C/GC/33), the Committee on the Elimination of Discrimination against Women calls on States to take a number of steps to ensure justiciability, availability, accessibility, good quality, provision of remedies and accountability of justice systems. It further calls on States to remove laws, procedures and practices that discriminate against women and take steps to remove stereotyping and gender bias within the justice system.

42. For many women of African descent and migrant African women in the diaspora, language is another common obstacle to accessing justice. An important

step toward addressing this problem is the translation of legislation and policy into the languages of those communities most affected. In Honduras, the Government has now translated the Law against Domestic Violence and the Law for Equal Opportunities for Women into indigenous and Afro-Honduran languages.

Box 5
Spain: Movement for Peace

The Spanish civil society organization Movement for Peace reported that it provides free legal aid to women of African descent who are in need. The organization believes that information about legal services and legal centres should be easily available and widely distributed, especially among groups facing multiple forms of discrimination, such as women of African descent. The organization provides training to people of African descent about their legal rights and the available services. It also undertakes activities to prevent gender-based violence and workshops on individual complaints procedures under the International Convention on the Elimination of All Forms of Racial Discrimination which are aimed at legal advisers and human rights advocates.

F. Stereotyping

43. One of the most commonly reported violations of the rights of women of African descent concerns racism and negative stereotyping. The Working Group on the issue of discrimination against women in law and in practice highlighted how gender stereotypes intersect with stereotypes that target ethnic minority women (see A/HRC/29/40/Add.2, para. 58). The Office of the Ombudsman of Peru also explained that Afro-Peruvian girls and boys face the normalization of discrimination, racist insults and ridicule, and sexism. This leads to the perpetuation of stereotypes and social representations, which, added to racial discrimination, accentuates the context of inequality and exclusion in which Afro-Peruvian girls and boys develop.

44. Harmful and wrongful gender stereotypes have been recognized as a significant obstacle to the realization of women and girls' rights.[16] For example, gender stereotypes about the role of women and girls underpin the obstacles to girls' equal enjoyment of quality education. In its general comment No. 33 on women's access to justice, the Committee on the Elimination of Discrimination Against Women addresses how gender stereotypes impede women's access to justice, particularly victims and survivors of violence, influencing perceptions of justice officials and compromising the impartiality of the justice system (see CEDAW/C/GC/33, para. 26).

[16] Office of the United Nations High Commissioner for Human Rights, "Gender stereotyping as a human rights violation" (2013).

Box 6
Netherlands: conference entitled "Learn, Participate and Connect: Decade for People of African Descent"

The Netherlands reported that it pays attention to the intersectionality faced by black women, including in the media. During the conference entitled "Learn, Participate and Connect: Decade for People of African Descent", held in Amsterdam on 12 December 2016, attention was given to this issue through a film screening and a discussion about black women in the media by the filmmaker Ida Does. In the Decade project, attention is being given to enforcing the positive identity of Africans in the Netherlands and to a larger resilience against discrimination.

Box 7
United Nations: education and awareness-raising

OHCHR, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the non-governmental organization Black Women's Blueprint organized a panel discussion on women of African descent in April 2016, during which the right to education for women of African descent was discussed. The meeting was co-sponsored by the Department of Public Information.

On the occasion of Human Rights Day in December 2016, the Department of Public Information organized a film night, co-sponsored by the Permanent Mission of Jamaica, the United Nations Educational, Scientific and Cultural Organization and the African Diaspora International Film Festival, featuring short films by young women producers of African descent. OHCHR also participated in the event. In February 2017, the Department partnered with the African Burial Ground National Monument to host two screenings of the film *Maya Angelou: And Still I Rise* in New York, a documentary celebrating the life of this renowned women writer, artist and activist of African descent.

G. Political participation

45. Women's right to participate in political life is guaranteed under article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women. In the Durban Declaration and Programme of Action the importance and necessity of facilitating the full participation of people of African descent at all levels in the decision-making process was affirmed.[17] Further, States were urged to facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of their countries.[18]

46. The Committee on the Elimination of Racial Discrimination, in its general recommendation No. 34, urges States to take steps to ensure that authorities at all levels in the State respect the right of members of communities of people of African descent to participate in decisions that affect them. States should take special and concrete measures to guarantee people of African descent the right to participate in elections, to vote and stand for election on the basis of equal and universal suffrage and to have due representation in all branches of government; facilitate greater representation in governance; and take all necessary steps, including special

[17] A/CONF.189/12 and Corr.1, chap. I, Declaration, para. 32.
[18] Ibid., Programme of Action, para. 4.

measures, to secure equal opportunities for the participation of people of African descent in all central and local government bodies. The right to participate in decision-making on national action plans to eliminate discrimination and to ensure development should also be emphasized. To this end, the Committee on the Elimination of Racial Discrimination recommends that States formulate and put in place comprehensive national strategies with the participation of people of African descent (see CERD/C/GC/34, paras. 19, 42, 43 and 45).

47. People of African descent, particularly women, have historically experienced low levels of political participation and representation. The barriers to political participation are multiple and interrelated and include direct and indirect discrimination that has led to lower levels of education and social capital, poverty, language barriers, geographical marginalization and lack of access to public information.

48. In its seventh periodic report to the Committee on the Elimination of Discrimination Against Women, the Government of the United Kingdom noted that black and ethnic minority women represented 5.8 per cent of the population, yet made up less than 1 per cent of councillors at the local government level (see CEDAW/C/GBR/7, para. 93). In its concluding observations on the report, the Committee stated that, while there were increases in women's representation and participation in politics, women of African descent and those belonging to other minority groups continued to be underrepresented in some fields (see CEDAW/C/GBR/CO/7, para. 42).

49. The Working Group on the issue of discrimination against women in law and in practice also noted with concern in its report on its mission to the United States that there was not a single African-American woman senator at that time (see A/HRC/32/44/Add.2, para. 41).

50. The Committee on the Elimination of Discrimination against Women encourages States to adopt temporary special measures, recognizing that:

> "Where countries have developed effective temporary strategies in an attempt to achieve equality of participation, a wide range of measures has been implemented, including recruiting, financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, setting numerical goals and quotas and targeting women for appointment to public positions such as the judiciary or other professional groups that play an essential part in the everyday life of all societies."[19]

51. In this regard, the Committee welcomed the adoption of Law No. 1475 (2011) of Colombia, which established a 30 per cent quota for women in the electoral lists of political parties, but expressed its concern at the low level of representation of women in the Congress (less than 18 per cent) and the marked absence of representation of Afro-Colombian women therein (see CEDAW/C/COL/CO/7-8, para. 21). In addition, the Committee noted that Ecuador had adopted gender parity and alternated women and men candidates on multiperson electoral lists. However, it noted with concern that the representation of women in single-person positions and on local political bodies remained limited, in particular with regard to indigenous and Afro-Ecuadorian women (see CEDAW/C/ECU/CO/8-9, para. 24).

[19] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 38* (A/52/38/Rev.1), part two, chap. I.A, para. 15.

Box 8
Mexico: national programme for equality and non-discrimination, 2014-2018

In Mexico, the national programme for equality and non-discrimination, 2014-2018, contains actions for at least 12 groups in a situation of discrimination, including Afro-descendants. It also includes 13 lines of action for the Afro-descendant population. One action aims to increase the participation of Afro-descendant and indigenous women in the political sphere and in positions of popular representation.

52. In addition to the right to participate in national and local politics, people of African descent have the right to participate in decision-making that affects their lives and their communities. The Committee on the Elimination of Discrimination Against Women has expressed concern, however, that there is often a lack of adequate protocols to guarantee the participation of Afro-descendant women in decision-making processes (see CEDAW/C/COL/CO/7-8, para. 33 (b); CEDAW/C/ECU/CO/8-9, para. 38; and CEDAW/C/BOL/CO/5-6, para. 34).

Box 9
Mexico: Fifth Forum of Indigenous, Afro-Mexican, Mestizo and Rural Leadership Women of the State of Oaxaca

In March 2017, in the context of the International Decade for People of African Descent, Mexico organized the Fifth Forum of Indigenous, Afro-Mexican, Mestizo and Rural Leadership Women of the State of Oaxaca. The objectives of the Forum were to discuss the political participation and representation of women, gender parity, and the political and economic empowerment of women in Oaxaca.

H. Violence against women

53. Gender-based violence against women is well recognized as a form of discrimination against women, which States are obliged under international law to eliminate. The Committee on the Elimination of Discrimination Against Women has also recognized that violence and discrimination are inextricably linked to other factors that affect women's lives, including race or ethnicity. Thus, the Committee recommends that capacity-building, education and training for the judiciary, lawyers and law enforcement officers, including forensic medical personnel, legislators and health-care professionals, include the understanding of trauma and its effects, the power dynamics that characterize intimate partner violence and the varying situations of women experiencing diverse forms of gender-based violence. This should include the intersectional discrimination affecting specific groups of women, as well as adequate ways to address women and eliminate factors that revictimize them and weaken their confidence in State institutions and agents (see CEDAW/C/GC/35, paras. 12 and 38 (b)).

54. The Special Rapporteur on violence against women, its causes and consequences found that many women in the United Kingdom belonging to minority groups faced marginalization, and that black, ethnic minority and refugee communities were the victims of harmful practices. She also reported that narratives in the United Kingdom surrounding violence against black and minority ethnic women and girls could be problematic, as they were framed only within notions of culture, community or religion, rather than within the larger context of a general

patriarchal and discriminatory societal approach to women and girls. The effect of this was that the legal and policy responses to violence against women in ethnic minority groups were then limited to some harmful practices, such as early/forced marriages of young women and girls or female genital mutilation. They tended to ignore the harms emanating from other sexist practices that had an impact on women and girls of all ethnic and racial backgrounds (see A/HRC/29/27/Add.2, paras. 17 and 68).

55. With respect to Honduras, the Committee on the Elimination of Discrimination Against Women found that women and girls from rural areas, indigenous communities and communities of African descent were at high risk of becoming victims of trafficking for sexual exploitation or forced labour. As a response, Honduras has created an inter-agency commission against commercial sexual exploitation and trafficking in persons. Violence against women is also linked to repression of environmental and land rights movements in Honduras. For instance, the Committee has expressed concern at the increasingly repressive measures, attacks, sexual violence, harassment, intimidation, reprisals and defamation campaigns against women human rights defenders, especially in the context of land development projects, advocacy for environmental protection and defence of the human rights of women from indigenous communities and from communities of African descent (see CEDAW/C/HND/CO/7-8, paras. 24 and 28).

56. In the United States, African-American women experience unique [illegible] and cultural pressures that contribute to higher rates of discrimination and violence than other women. The Special Rapporteur on violence against women, its causes and consequences reported that African-American women experienced intimate partner violence at rates 35 per cent higher than their white counterparts and two and a half times the rate of men and other racial groups (see A/HRC/17/26/Add.5, para. 52). Similarly, the Working Group of Experts on People of African Descent expressed concern at the disproportionate number of African-American women subjected to heightened levels of violence, including rape and sexual violence. It also deplored reports of police brutality and the increased number of killings of African-American women by the police. Furthermore, it expressed concern over the persistent fatal consequences for women as a consequence of the lack of gun control, particularly in cases of domestic violence (see A/HRC/33/61/Add.2, para. 57).

I. Data collection

57. Disaggregated data and statistics on the human situation of any group facing marginalization are required in order to design suitable legal and policy responses. While most countries now have extensive data on women and gender inequality, many do not yet collect racially disaggregated data highlighting the situations of people of African descent. Thus, the experiences of women of African descent often get subsumed under data on women in general, which hides the patterns of inequality among women and risks indicating that the situation of all women has improved, when often this is not the case.

58. In paragraphs 13 and 14 of the Programme of Activities for the International Decade (General Assembly resolution 69/16, annex) States are called upon to collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels, and take all other related measures necessary to assess regularly the situation of people of African descent. Such statistical data should be disaggregated in accordance with national legislation, upholding the right to privacy and the principle of self-identification. The information should be collected to monitor the situation of people of African descent, assess the progress made,

identify social gaps and guide the formulation of policies to prevent, combat and eradicate racism, racial discrimination xenophobia and related intolerance.

Box 10

Meeting on the issue of the collection and disaggregation of statistical data in the Latin American and Caribbean region

In May 2017, the Office of the United Nations High Commissioner for Human Rights and the Secretariat for Access to Rights and Equality of the Organization of American States organized a meeting in Chile on the issue of the collection and disaggregation of statistical data in the Latin American and Caribbean region. Participants examined the possibility of establishing a set of indicators that could aid in measuring the impact of public policies addressed to people of African descent, paying particular attention to women of African descent. Participants further highlighted the linkages between the Sustainable Development Goals and the International Decade and shared existing national practices from the region.

III. Conclusions and recommendations

59. **While many States have implemented gender-based approaches or gender mainstreaming in poverty reduction programmes, women and girls of African descent are often not reached or included in such programmes owing to barriers caused by intersecting forms of discrimination. In line with the Programme of Activities for the International Decade, States should establish a legislative and policy framework to mainstream an intersectional gender perspective when designing, implementing and monitoring public policies for poverty reduction and the realization of basic human rights, taking into account the specific needs and realities of women and girls of African descent.**

60. **Intersectional discrimination is an obstacle to the realization of the basic rights of women and girls of African descent in all areas of their lives. This is particularly evident in social policy. States should take steps to ensure that public service providers, in particular in the fields of social protection, health and access to justice, adopt policies and procedures to eliminate all forms of discrimination faced by women of African descent when accessing essential services. Such steps should include education and outreach, adequate training for service providers and culturally acceptable services that take into account the views of women of African descent.**

61. **Some States have adopted gender-based and race- or ethnicity-based special measures, such as affirmative action and quota policies, to ensure improved access to education and public positions. However, women of African descent continue to benefit less from such initiatives than do women and men who are not part of an ethnic minority. States should consider adopting temporary special measures, such as affirmative action, that address the particular forms of intersectional discrimination that women and girls of African descent face in all areas of their lives.**

62. **Women of African descent face particularly severe discrimination in employment, with high rates of unemployment, low wages and often precarious working conditions. States should ensure that all women of African descent are free from discrimination in employment, including by addressing the particularly high rates of unemployment and disproportionately low wages. Recognizing the particular vulnerability of women of African descent who work**

in domestic services, States should ratify the ILO Convention concerning decent work for domestic workers, 2011, and adopt necessary measures for its effective implementation. States should also invest funds in education and professional training for women of African descent through scholarships and training programmes, to improve employment opportunities and provide livelihood support and training.

63. Throughout the world, women and girls of African descent are subject to patterns of negative stereotyping, which are the underlying causes of exclusion, marginalization, violence and violations of their human rights. States should take measures to combat negative and discriminatory gendered and racist stereotypes of women of African descent, in particular by taking concrete steps to remove all such stereotypes from educational materials and popular media.

64. Violence against women is both a cause and a consequence of discrimination facing women and girls of African descent. States must address the disproportionate incidence of violence against women of African descent, notably the trafficking of persons, sexual violence and exploitation, domestic abuse and police brutality.

65. Many States still lack sufficiently disaggregated data on the human rights situations of women of African descent, which are invaluable for designing suitable policy interventions to address patterns of multiple and intersectional discrimination. States should adopt specific policies to ensure that all official data collection mechanisms and institutions include instruments and methodologies to collect data that can reveal the human rights situation of women and girls of African descent and the specific patterns of multiple and intersecting discrimination they face.

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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

A global call for action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 71/181, in which the Assembly requested the Secretary-General to submit to it, at its seventy-second session, a report on the implementation of that resolution.

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I. Introduction

1. In its resolution 71/181, the General Assembly recognized that millions of human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary manifestations, some of which take violent forms. It reiterated that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies. It further stressed that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races. The Assembly acknowledged the efforts and initiatives undertaken by States to prohibit discrimination and segregation and to engender the full enjoyment of civil, cultural, economic, political and social rights, and requested the Secretary-General to submit to it, at its seventy-second session, a report on the implementation of resolution 71/181.

2. In the same resolution, the General Assembly welcomed the efforts made by civil society in support of the follow-up mechanisms for the implementation of the Durban Declaration and Programme of Action and underlined the primacy of the political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance for the successful implementation of the Durban Declaration and Programme of Action.

3. In preparing the present report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sought information from Member States and other stakeholders, as requested in resolution 71/181. Submissions were received from 12 States: Argentina, Bosnia and Herzegovina, Colombia, Cyprus, Jordan, Kuwait, Portugal, Qatar, the Russian Federation, Serbia, Turkey and Turkmenistan. A contribution was also received from the Ombudsman of Azerbaijan. The contributions are posted on the website of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (www.ohchr.org/EN/Issues/Racism/IntergovWG/Pages/IWGIndex.aspx).

II. Legislative and administrative framework

4. In their submissions, some States highlighted the pre-eminence of international and regional human rights law over domestic law in their legal systems. For example, Bosnia and Herzegovina noted that the European Convention on Human Rights is directly applicable in the legal system of the country, as an integral part of its Constitution, and has supremacy over national legislation. The principle of non-discrimination is embedded in the Constitution of Bosnia and Herzegovina.

5. Portugal made a similar point, highlighting article 8 of its Constitution. It stressed that international human rights instruments, duly ratified by Portugal and in force in the national legal system, form an integral part of national legislation and can thus be invoked before the national courts.

6. States shared examples of the legal framework in place to counter discrimination. Bosnia and Herzegovina highlighted its law on the prohibition of discrimination, under which all public bodies and authorities have an obligation and duty to remove obstacles that may directly or indirectly result in discrimination. Bosnia and Herzegovina also stated that an amendment to the law was passed by the Parliamentary Assembly in 2016. The amendment brought the law into line with European Union and international human rights standards.

7. Colombia referred to its Act No. 734 of 2002, which provides, under article 35, that no public servant may apply any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin that has the purpose of destroying or diminishing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in political, economic, social and cultural life, or in any other area of public life.

8. Turkey stated that several of its laws, including the labour law, the civil law and the laws on political parties, social services, national education, the establishment and broadcast of radio and television and trade unions and collective bargaining agreements, contain provisions on the prevention of all forms of discrimination. It further indicated that the law on the human rights and equality institution aims to protect and promote human rights based on human dignity, ensure the right to equal treatment and prevent discrimination in the enjoyment of legally recognized rights and freedoms. Within the scope of this law, discrimination based on gender, race, colour, language, religion, belief, sect, philosophical and political opinion, ethnic origin, wealth, birth, marital status, health status, disability or age is prohibited. The law stipulates that in the case of violation of a prohibited ground of discrimination, the relevant public authorities and professional organizations with the status of public institutions shall be responsible for termination of the violation, elimination of the consequences, prevention of recurrence and taking the necessary measures for judicial and administrative follow-up.

9. Serbia shared several aspects of its legal and institutional framework for combating racism. For example, all forms of discrimination, direct or indirect, based on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age or mental or physical disability is prohibited in the Constitution. The legal framework for exercising human rights and freedoms is defined in the Constitution. Also according to the Constitution, State bodies may introduce special measures for the improvement of rights and the elimination of discrimination when equality and the elimination of discrimination are difficult to achieve.

Scope of criminal law frameworks

10. Several States addressed the criminalization of discrimination offences and measures to combat incitement to hatred, hate speech and hate crimes. Argentina indicated that article 3 of Act 23.592, in which discrimination offences are criminalized, provides that anyone who participates in an organization or carries out propaganda based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin, whose objective is to justify or to promote racial or religious discrimination in any form shall be sentenced to imprisonment for one to three years. Similarly, anyone who by any means encourages or initiates persecution or hatred of a person or group of persons because of their race, religion, nationality or political ideas will be equally punished.

11. Bosnia and Herzegovina reported that the propagation of ideas of racial discrimination or hatred constitutes a criminal offence of incitement to national or religious hatred.

12. Turkey noted that it had amended its criminal code, with a view to penalizing acts of discrimination. In the same vein, hate crime has been included in the criminal code and the penalty for the offence of discrimination and hatred has been increased.

13. Cyprus reported that its criminal code had been reviewed and come into force in April 2017. The new revised law allows the court to consider homophobic motivation, as well as racist or xenophobic motivation, as an aggravating

circumstance. Previously, racist or xenophobic motivation was included in the law on combating certain forms and expressions of racism and xenophobia by means of law No. 134(I)/2011. Cyprus stated that for better clarity of overall applicability, the provisions had been amended and were now inserted in the criminal code. Racist, xenophobic or homophobic motivation therefore applies to all offences and constitutes aggravating circumstances.

14. Portugal stated that racial discrimination is considered a crime under its criminal code. Article 240 of the code, in which racial, religious or sexual discrimination is criminalized, was amended by law No. 19/2013, establishing gender identity as a ground of discrimination covered by this criminal offence (as well as discrimination on the grounds of sex). Article 240 (1) states that whoever founds or sets up an organization, or develops activities of organized propaganda inciting or encouraging discrimination, hate or violence against a person or a group of persons on the grounds of their race, or takes part in such an organization or in its activities, or gives support thereto, shall be punished with imprisonment from one to eight years. According to paragraph 2 of the same article, any person who by any means provokes acts of violence against a person or group of persons on account of their race, colour, ethnic or national origin, religion, sex, sexual orientation or gender identity, or who defames or injures a person or group of persons on the basis of race, colour, ethnic or national origin, religion, sex, sexual orientation or gender identity, including denial of war crimes, or threatens a person or group of people because of their race, colour, ethnic or national origin, religion, sex, sexual orientation or gender identity, will be punished with imprisonment from six months to five years.

15. Portugal also reported that, according to article 246 of the criminal code, any person convicted of the offences established in article 240 of the code may be temporarily deprived of his/her active and/or passive electoral capacity. In addition, in cases of homicide (article 132 (2f)) and offences to physical integrity (article 145), the fact that the crime was committed on the grounds of racial hatred (including ethnic or national origin) is considered an aggravating circumstance, implying more severe penalties.

16. The Russian Federation shared statistics on how law enforcement authorities pay close attention to cases of violation of human dignity and incitement of racial, ethnic or religious hatred or hostility. For example, in February and April 2016, in the Kirov region, criminal investigations were launched against four people for organizing and participating in skinhead groups. In March and April 2016, similar criminal investigations were launched into four people in the Orenburg region. In September and December 2016, criminal investigations were launched against eight founders of a neo-Nazi extremist group, Belaya Reka, for committing extremist crimes in the Republic of Bashkortostan. In 2016, law enforcement authorities detected 1,450 crimes of an extremist nature. During criminal proceedings, 934 people were convicted. In the first quarter of 2017, law enforcement authorities detected 421 crimes of an extremist nature, 211 people were convicted for such crimes and 267 criminal proceedings were launched in the courts. Actions to prevent extremist organizations from practising propaganda advocating racial hatred and neo-Nazi ideology continue. For example, in February 2015, the local court of Ordzhonikidze district in Magnitogorsk (Chelyabinsk region) passed sentence on two members of a neo-Nazi group, Piranya-74.

Available remedies

17. Some States addressed the issue of available remedies. For instance, Argentina referred to the significance of the fact that since 2007, it has recognized the competence of the Committee on the Elimination of Racial Discrimination to

receive and consider communications from individuals claiming that their rights have been violated by the State.

18. Turkey stated that recourse for victims is available, whereby victims of racism or discrimination can apply to the Office of the Prosecutor or law enforcement authorities for the investigation of their claims. Furthermore, if claims pertain to civil servants, applications can be made to the public institutions that employ the suspects, with a view to opening the necessary administrative investigations. Under certain circumstances, the Office of the Prosecutor or law enforcement authorities can launch investigations ex officio. Moreover, the relevant legislation enables victims of discrimination to claim pecuniary and non-pecuniary damages. Anyone who believes his or her constitutional rights have been violated owing to discrimination, including racial discrimination, has a right to an individual application to the Constitutional Court and to the European Court of Human Rights.

III. Role of national mechanisms in the fight against racism, racial discrimination, xenophobia and related intolerance

19. As provided for in paragraph 112 of the Durban Declaration and Programme of Action, States are encouraged, as appropriate, to establish independent national human rights institutions conforming to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and other relevant specialized institutions, including ombudsman institutions, created by law for the promotion and protection of human rights and the struggle against racism, racial discrimination, xenophobia and related intolerance, as well as for the promotion of democratic values and the rule of law.

20. Such institutions have been established in several countries. For example, Argentina referred to a number of institutions it has created, such as the National Institute against Discrimination, Xenophobia and Racism, which is a decentralized entity under the jurisdiction of the national Ministry of Justice and Human Rights. The Institute was created to formulate national policies and practical measures for combating discrimination, xenophobia and racism. Other institutions set up by Argentina include the National Department for Pluralism and Intercultural Affairs of the Secretariat for Human Rights and Cultural Pluralism; the Public Defender of Audiovisual Communication Services, which receives queries, complaints and denunciations from users of radio, television and other media regulated by the Audiovisual Communication Services Act; and the National Ombudsman whose office monitors and evaluates the implementation of the Durban Declaration and Programme of Action.

21. Azerbaijan, Bosnia and Herzegovina and Turkmenistan reported that they had set up ombudsman offices. Azerbaijan recalled the independent character of its Ombudsman, in line with the Paris Principles. The Ombudsman of Azerbaijan is an independent institution, established by the constitutional law and has "A" status. The Ombudsman noted that the constitutional law empowers the Ombudsman to raise different human rights problems before the Government and put forward recommendations for their resolution. The Ombudsman also reported that it analyses the current national legislation and international treaties to which Azerbaijan is a party and submits motions to the parliament to make the necessary changes and amendments to the national legislation with regard to ensuring effective human rights protection, in order to bring the legislation into compliance with the relevant international legal documents.

22. Turkmenistan stated that on 23 November 2016, it had adopted a law on the ombudsman. The Ombudsman started to exercise his powers in March 2017. The

Observatory against Discrimination and Racism in Turkmenistan, which operates within the Ministry of the Interior, supports the community in cases of racial discrimination, advises in cases of infringement of rights and reports to the competent authorities. In those circumstances, awareness-raising campaigns on racial discrimination are carried out within public and private institutions in which such cases have been presented.

23. Serbia reported that it had established a committee for monitoring the recommendations of the United Nations human rights mechanisms, which aims to establish more efficient monitoring of such recommendations, but also to improve intersectoral cooperation regarding their implementation and improve cooperation with the mechanisms. In order to overcome the challenge related to systematic collection of the reporting data, in line with international conventions, the Office for Human and Minority Rights was the first to produce, for the purposes of the Human Rights Council, a plan on the fulfilment of all recommendations addressed to Serbia, stipulating the status, goals, terms and bodies responsible for the implementation of each individual recommendation. Serbia also highlighted the establishment of a committee for monitoring implementation of the action plan for the implementation of the strategy for prevention and protection against discrimination. Its task is to monitor progress in the execution of measures, implementation of activities and commitment to deadlines, and to duly report by 2018 on possible challenges in the execution of measures, as related to the implementation of the strategy and action plan.

24. In December 2016 and July 2017, OHCHR organized two regional workshops on the role of national human rights institutions in combating racism, racial discrimination, xenophobia and related intolerance, one in Rabat for national human rights institutions from the Middle East and North Africa region, and one in Addis Ababa for national human rights institutions from the Eastern and Southern Africa region. Participants in the workshops exchanged views on the subject and deliberated on strategies and tactics for enhanced collaboration between national human rights institutions and civil society on the issue of non-discrimination. They discussed the Durban Declaration and Programme of Action and its relevance in their respective regions. Other issues discussed at the workshops were the preventive role of national human rights institutions in combating discrimination on the grounds of ethnicity, tribe or religion and on other grounds, as well as interaction between national human rights institutions and the treaty bodies, in particular the Committee on the Elimination of Racial Discrimination.

IV. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance

25. As outlined in paragraph 58 of the Durban Declaration and Plan of Action, in addition to existing anti-discrimination national legislation and relevant international instruments and mechanisms, States are urged to adopt and implement, at both the national and international levels, effective measures and policies that encourage all citizens and institutions to take a stand against racism, racial discrimination, xenophobia and related intolerance. In the Durban Declaration and Programme of Action, States are further urged to recognize, respect and maximize the benefits of diversity within and among all nations in working together to build a harmonious and productive future by putting into practice and promoting values and principles, such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and between communities and nations, in

particular through public information and education programmes to raise awareness and understanding of the benefits of cultural diversity.

26. In that regard, Argentina reported on its programme entitled "Educating on Interculturality", which started in 2017 and consists of a series of workshops for high school students, provincial or municipal public officials and security forces, with the objective of teaching those groups the importance of intercultural dialogue, harmony in diversity, promoting and protecting people's rights and combating all forms of discrimination, racism and xenophobia. Argentina further noted other activities it had undertaken which aimed to foster the visibility of Roma and indigenous peoples through raising awareness of their culture, history and customs.

27. Bosnia and Herzegovina reported that it had adopted an action plan on human rights training for journalists and media professionals (2016-2019), an action plan for human rights training for civil servants (2016-2019) and an action plan for human rights education under the competence of the Ministry of Justice (2015-2019).

28. Cyprus noted that the Ministry of Education and Culture had promoted various actions and activities aimed at combating racism and eliminating all forms of racial discrimination, xenophobia and related intolerance, through the adoption of a systematic, multidimensional approach. Through its three-year strategic plan for the period 2017-2019, the Ministry of Education and Culture aims to ensure the provision of learning opportunities to all through the implementation of an education policy that embodies the values of equality, inclusivity, creativity and innovation. For the school year 2015-2016, the Ministry of Education and Culture has set the goal of raising awareness of racism and intolerance and promoting equality and respect in the context of the hate speech campaign of the Council of Europe. During the current school year, 2016-2017, it has set a new goal on raising awareness of racism and intolerance and promoting equality and respect. The Departments of Education have encouraged all schools, in the context of the goals for both years, to implement, on a broader level, the code of conduct against racism and guide for managing and recording racist incidents developed and piloted in 2014-2015. As a result, 73 schools have developed and implemented various activities with pupils, teachers and parents during the school year 2015-2016. Furthermore, the Ministry of Education and Culture has recently designed and implemented an upgraded educational policy pertaining to multicultural education, aimed at the smooth integration of pupils from diverse ethnic backgrounds into the educational system of Cyprus.

29. Kuwait reported that awareness campaigns had been launched intensively and continuously to urge society to respect the human individual and his or her dignity, regardless of social, ethnic and religious differences, and to raise awareness of the legal and constitutional rights regarding manifestations of discrimination. One such campaign launched under the slogan, "Denial of Racism". In addition, Kuwait noted that community organizations, such as the Kuwait Society for Human Rights, have contributed to many activities that have had a positive impact on the promotion and protection of human rights. One of those activities was the launch of an interactive programme on the right to equality and non-discrimination. That is in addition to the launch of a project on tolerance, which is a not-for-profit programme directed towards young people that aims to develop a culture of human rights and to promote the concepts of tolerance, equality and peace.

30. The Russian Federation reported that special attention is paid to the prevention of racial discrimination among young people. Annual events that focus on breaking down inter-ethnic barriers and overcoming xenophobia are held in different regions

of Russia. A special place is given to international and interracial youth festivals and forums during those events.

31. Serbia reported on the activities it had organized to raise awareness of anti-discrimination issues. Numerous training sessions had been carried out for civil servants and employees of local government, with the aim of improving the efficiency of implementation of laws against discrimination. The Ministry of Education, Science and Technological Development is implementing programmes related to the fight against racism and discrimination intended for students, teachers, local communities, and/or other relevant ministries, in order to create a safer environment for all children and to make the majority of the population aware of the problems they face.

32. Turkmenistan reported that it organizes annual international festivals and conferences to promote the mutual enrichment of cultures and the exchange of experiences in the field of culture and art among countries, as well as introducing the rich cultural heritage of the Turkmen people to the world. It stated that various cultural events were implemented with international organizations and that the text of the Convention on the Elimination of All Forms of Racial Discrimination was widely circulated in Russian and English.

33. Azerbaijan reported that 2016 had been declared the Year of Multiculturalism, and 2017 the Year of Islamic Solidarity. Different events had been and are being held all over the country for the promotion of peace, tolerance, intercultural and interreligious dialogues within the framework of the action plans signed in this regard. A conference on the theme of "Multiculturalism and human rights: equality, cooperation and development" dedicated to the Year of Multiculturalism was held, together with the National Commission for the United Nations Educational, Scientific and Cultural Organization (UNESCO). In addition, a series of events on multiculturalism and human rights were conducted in the capital, Baku, and in other parts of the country.

V. Awareness-raising and training for law enforcement officials and the judiciary

34. Cyprus reported on its awareness-raising efforts among police officers, aimed at effectively combating and eliminating all forms of discrimination or violations of human rights related to the performance of policing duties. In March 2017, the police signed a memorandum of cooperation for the protection and promotion of human rights with 12 non-governmental organizations aiming, inter alia, at training and sensitizing members of the police force and strengthening cooperation on issues relating to the protection of human rights.

35. Portugal specified that its magistrates receive training on human rights issues, in particular on racial discrimination, migration, gender equality issues and trafficking in human beings, as well as procedural guarantees in the context of their initial or in-service training. The training is provided by the Centre for Judicial Studies. Focusing on the continuous training programme for 2014-2015 and 2016-2017, training sessions for magistrates took place and more are scheduled for the coming months. Most of the training sessions are available for all legal practitioners. To prevent racist and discriminatory behaviour by law enforcement officers, Portugal reported that it had also been making considerable efforts in providing initial training sessions and advanced training activities for law enforcement personnel (criminal police and prison guards) on human rights issues and procedural guarantees.

36. Serbia reported that it has paid special attention to the training of police officers and to that end, a series of courses, seminars, workshops, round tables and conferences were organized in the field of modern policing standards and human rights, with a special emphasis on respect for diversity, community policing, strategic management, analysis and problem-oriented policing. This is aimed at raising the awareness of police officers of modern standards of policing and cooperation with all community stakeholders, with the aim of improving safety.

37. In June 2017, OHCHR launched a pilot project entitled "Better Ways", which will endeavour to identify and promote practical measures, enhancing evidence-based policing and reducing incidents of bias-based profiling. Within the framework of this project, a first expert meeting was held in Geneva on 14 and 15 June 2017. The meeting was attended by 20 experts from 16 countries. Participants, the majority of whom were police officers, including senior officials, discussed the following topics: (a) bias and stereotypes and their impact on law enforcement; (b) international human rights standards regarding bias-based policing; (c) good practices in addressing bias-based policing, including monitoring (data collection), internal policies and accountability; and (d) good practices in training law enforcement officials to counter bias-based policing. In follow-up to the meeting, OHCHR intends to start documenting good practices from police departments that enhance evidence-based policing and reduce incidents of bias-based profiling.

VI. Protection of victims of crime of a racist nature

38. Portugal reported that its law No. 130/2015 on the statute of the victim transposes European Union directive 2012/29/EU, on the minimum standards on the rights, support and protection of victims of crime into national law. Article 67-A of the criminal procedure code now defines a broader concept of the victim, which includes not only the person directly affected by a crime but also those around him or her who suffer consequences from it, including the victim's family. In addition, Portugal also noted that its law No. 104/2009 established the legal framework for State compensation of victims of crimes, including victims of violent crimes of a racist nature, and created the Commission for the Protection of Victims of Crimes. The duty to compensate falls to the offender but in some cases the State may advance this compensation when the victim is facing financial difficulties as a result of the crime and it is impossible to obtain compensation from the offender within a reasonable period. The Commission for the Protection of Victims of Crimes is the body in charge of deciding, according to legal criteria, whether applicants have the right to compensation as victims of violent crimes and the amount of compensation.

VII. Measures targeting political parties

39. During its tenth session, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action discussed the issue of the role of political parties in combating racism, racial discrimination, xenophobia and related intolerance, and adopted several conclusions and recommendations in that regard. It condemned, as incompatible with democracy and transparent and accountable governance, political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance. The Working Group reaffirmed that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations between peoples, cooperation between nations and international peace and security.

40. Turkmenistan reported that its law on political parties prohibits the creation and activities of political parties whose purpose is to violently change the constitutional order, allow violence in their activities, oppose the constitutional rights and freedoms of citizens, propagate war, racial, national or religious enmity, threatening the health and moral standards of the people, as well as political parties on national or religious grounds.

41. Portugal noted that the Constitution and the law on political parties (Law No. 2/2003 as amended by Law No. 2/2008) prohibit fascist or racist parties, since those ideologies are considered to threaten basic constitutional and democratic values.

VIII. Measures targeting the media

42. Portugal reported that the Ministry of Justice takes part in a subgroup, chaired by the European Union Agency for Fundamental Rights and dedicated to common methodologies for the collection and recording of hate crimes and incidents. The Ministry of Justice also participates in the subgroup on combating online hate speech, within which a code of conduct against hate speech and online terrorist propaganda was adopted in June 2016. Portugal noted that through this code of conduct, information technology companies, such as Facebook, Google, Twitter and Microsoft, take their share of the responsibility for combating the illegal spread of hate speech through computer platforms and commit themselves to putting into practice a set of 12 basic rules to achieve such a goal and block or remove illegal content at the request of the authorities in less than 24 hours. Portugal said it had designated a focal point within the national anti-terrorism unit of the Criminal Police (responsible for co-assisting the judicial authorities in preventing, detecting and investigating hate crimes) in order to exchange information between information technology companies and law enforcement authorities. Portugal has also recently assessed the internal implementation of the code of conduct, which was perceived as very positive, despite the fact that no judicial decision to block or delete online hate content has yet been issued.

43. The Russian Federation indicated that the Government sponsors digital and print media companies in projects focusing on the harmonization of international relations, the development of inter-ethnic understanding, promoting ideas of international tolerance and combating religious and nationalist extremism. Between January 2012 and June 2015, 69 such projects were carried out on digital media.

44. Argentina reported that the Directorate for anti-discrimination policy of the National Institute against Discrimination, Xenophobia and Racism has set up the Observatory on Discrimination in Radio and Television, which produces reports and monitors discrimination on radio and television; the Observatory on Discrimination in Sport, which works on the prevention of discrimination through monitoring and analysis of behaviour, content and comments in the field of sport that include any type of discrimination, prejudice or aggression against different groups or sections of the population, or mockery or stigmatization thereof, with a view to developing public policies aimed at combating such discrimination; and the Observatory on Internet Discrimination, whose main objective is to preserve the Internet environment from any type of discriminatory violence that affects the rights of groups, communities or individuals.

45. Bosnia and Herzegovina reported on the steps it had taken, in coordination with its Communications Regulatory Agency, to fight incitement to violence motivated by hate-mongering through abuse of the press, audiovisual and electronic media and new communications technologies, with the aim of legally sanctioning

any act of incitement to violence or hatred, while ensuring freedom of the press, speech and expression.

IX. Measures targeting discrimination through sports

46. As provided in paragraph 218 of the Durban Declaration and Programme of Action, States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations are urged to intensify the fight against racism in sport, inter alia, by educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity. In paragraph 128 of the outcome document of the Durban Review Conference, international sporting bodies are urged to promote, through their national, regional and international federations, a world of sports free from racism, racial discrimination, xenophobia and related intolerance. Argentina reported that it had adopted a national plan for the eradication of discrimination, xenophobia and racism in football.

47. Over the past two years, OHCHR has held workshops and consultations for officials, fans, human rights commissioners and other stakeholders in the Russian Federation and continues to cooperate with the Russian authorities to integrate non-discrimination policies into the preparations for the FIFA World Cup in 2018. A forthcoming event in Moscow aims to involve the host cities of the World Cup. The event will be a step towards the elaboration of a legacy of the World Cup on countering discrimination.

X. The new international migration management framework

48. In their contributions to the present report, a number of States raised the issue of the human rights of migrants. Argentina, for instance, reported that it had organized a round-table discussion on migrant-related issues, the aim of which was to work on inclusion policies, promoting rights and fighting against any type of discrimination against the migrant population, together with civil society organizations that defend the rights of migrants and work towards their inclusion in society.

49. Turkey reported on its strategic and institutional framework in compliance with its political, socioeconomic and historical migration approaches, and the new international migration management framework. It stated that its law No. 6458 on foreigners and international protection has been translated into 10 languages in order to enable foreigners to have access to proper information. The translations of the law have been published in hard copy and made available on the official web page of the Directorate General of Migration Management in the Ministry of Interior. The official institutional website is available in four different languages and the necessary steps have been taken to allow foreigners to have access to relevant information. Turkey reported that foreigners in the country have opportunities to attend language, hobby and vocational training courses in public education centres free of charge. Applicants or beneficiaries of international protection and their family members have access to primary and secondary education. Additionally, applicants or beneficiaries of international protection, who are not covered by any medical insurance and do not have the financial means to pay for medical services, benefit from the universal medical insurance. Beneficiaries of international protection can also apply to the Ministry of Labour and Social Security for a work permit six months after the date that they lodged a

claim for international protection. Once they have been granted such a permit, they may work independently or be employed.

50. Serbia referred to the work of the Ministry of Labour, Employment, Veteran and Social Affairs. It has prepared an instruction on procedures for social welfare centres and social welfare institutions that provide emergency shelter and custodial protection to unaccompanied juvenile refugees and migrants, including adequate health care and psychosocial support. Significant funds are allocated from the national budget to local governments for asylum seekers in Serbia. In addition, Serbia noted that its law on asylum stipulates that an alien who is on its territory has the right to file an application for asylum in Serbia. The law contains provisions which prohibit discrimination on any grounds, particularly based on race, colour, gender, nationality, social background, birth, religion, political and other views, property, culture, language, age or intellectual, sensory or physical disability. During the process, the specific situations of vulnerable groups of asylum seekers, such as minors, persons fully or partially deprived of legal capacity, children separated from their parents or guardians, persons with disabilities, the elderly, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, are carefully considered. A new draft law on asylum and temporary protection prohibits discrimination on any grounds and prescribes that, in the course of proceedings, particular attention must be paid to the specific situation of persons in need of special procedural guarantees, whereby appropriate assistance is provided to applicants who, owing to their personal circumstances, are unable to exercise their rights and obligations under the law without assistance.

51. Jordan stated that there is no differentiation in its labour law between male and female workers or between foreign and Jordanian workers. All workers are equal before the law, in all rights and duties, as the labour law in all its provisions applies to workers without discrimination. The regulatory legislation also requires employers to take the necessary precautions and measures to protect workers, regardless of their nationality, from the hazards and diseases that may result from their work, by providing them with a secure, clean, safe, risk-free environment. It also obliges employers to comply with occupational health and safety conditions under the labour law. The Inspection Directorate has carried out many intensive and daily inspection campaigns in all governorates and all sectors in Jordan. Prompt and strict legal action has been taken against all institutions that have been found to be using foreign workers in a manner violating their rights, in addition to confirming how committed they were to the provisions of the labour law, including through providing a decent work environment in terms of working hours and overtime.

52. Qatar reported that it is currently strengthening its national legal framework to promote the human rights and legal protection of expatriates, with a view to providing them with effective remedies in line with international standards. To implement the recommendations of the Committee on the Elimination of Racial Discrimination, Qatar has undertaken legislative reforms, which ensure that expatriates, including house workers, enjoy their civil, economic, social and cultural rights without any discrimination.

XI. Conclusions and recommendations

53. **Despite some progress in combating racism, racial discrimination, xenophobia and related intolerance, there is a long way to go to eradicate these ills. Stronger political will and urgent measures are needed to reverse the worrying trends that have developed over the past few years of increasingly**

hostile racist and xenophobic attitudes and violence. Interculturality, dialogue, tolerance and respect for diversity are essential for combating racism, racial discrimination, xenophobia and related intolerance. The diverse measures adopted by Member States and other stakeholders, as outlined in the present report, are encouraging in that regard.

54. Ultimately, the world will only see progress in the global fight against racism, racial discrimination, xenophobia and related intolerance if all relevant stakeholders deepen their efforts and take relevant measures in this regard. Examples of such measures include the adoption of a strong legal framework in conformity with international standards; the creation or strengthening, as appropriate, of national mechanisms in line with the Paris Principles, which play a protection, promotion and monitoring role; combating impunity for racist acts, including in the media and in sport; fostering the role of actors, such as political parties, civil society actors and the private sector, in combating racism, racial discrimination, xenophobia and related intolerance; and, in the case of migrants and refugees, granting them protection according to international law, including international refugee law and international human rights law, in particular from all forms of discrimination.

55. In that connection, Member States are reminded of the validity of the political declaration adopted by consensus during the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, held on 22 September 2011, which, together with the outcome document of the Durban Review Conference, forms a solid basis for action to pursue the total elimination of racism, racial discrimination, xenophobia and related intolerance. Member States, regional organizations, civil society and other stakeholders are encouraged to fully and effectively implement the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference.

56. Further, Member States are encouraged to fully and effectively implement the obligations arising under international law, particularly the non-discrimination clauses in the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Those States that have not yet done so are urged to ratify or accede to the two Covenants and the Convention on the Elimination of All Forms of Racial Discrimination.

57. To enhance access to justice and remedies, Member States that have not yet done so are encouraged to make a declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination on recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation.

58. Member States are encouraged to invite the relevant human rights mechanisms, in particular the Working Group of Experts on People of African Descent and the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to carry out country visits.

59. Member States and other stakeholders are invited to participate actively in deliberations on the mechanisms established to follow up the Durban

Declaration and Programme of Action and implement the recommendations emanating therefrom.

60. **Member States that have not yet done so are encouraged to develop and implement national action plans to combat racism, racial discrimination, xenophobia and related intolerance.**

61. **International and regional organizations are encouraged to intensify collaboration in fighting racism, racial discrimination, xenophobia and related intolerance.**

62. **In line with the Durban Declaration and Programme of Action, and the outcome document of the Durban Review Conference, Member States are encouraged to establish or strengthen, as appropriate, and equip specialized bodies and mechanisms for the implementation of public policies to eradicate racism, racial discrimination, xenophobia and related intolerance, and promote racial equality, with suitable financial resources, capabilities and capacities to survey, investigate, educate and undertake public awareness-raising activities.**

63. **Member States are encouraged to take all appropriate measures, in accordance with domestic legislation and international obligations, to prevent, combat and address all manifestations of racism, racial discrimination, xenophobia and related intolerance in the context of sporting events, and to ensure that racially motivated acts are properly addressed.**

64. **Host countries of major sporting events are encouraged to seize the opportunity and to develop awareness-raising and education campaigns aimed at sensitizing the wider public on the eradication of racism, racial discrimination, xenophobia and related intolerance.**

65. **The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action is encouraged to analyse in one of its future sessions the role of the media in combating racism, racial discrimination, xenophobia and related intolerance, with a view in particular to exploring adequate responses to racist and hate speech by the media.**

66. **States receiving migrants and refugees should grant them protection according to international law, including international refugee law and international human rights law. States should protect migrants and refugees from all forms of discrimination.**

67. **States should repeal or amend all laws or measures that may give rise to discrimination against migrants, including direct and indirect discrimination based on multiple grounds, and condemn and take effective measures against all acts and expressions of racism, racial discrimination, xenophobia and related intolerance and against stereotyping of migrants.**

68. **Finally, in order to review progress with regard to the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, all stakeholders are invited to regularly submit updated inputs, in accordance with requests for information from the Office of the United Nations High Commissioner for Human Rights.**